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No. 27]

NEW DELHI, SATURDAY, JULY 5, 1997/ASADHA 14, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए मांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)
(न्यायिक अनुभाग)
सूचना

नई दिल्ली, 13 जून, 1997

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)
(Judicial Section)
NOTICE

New Delhi, the 13th June, 1997

का.आ. 1655:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सुभाष चन्द्र पांडे एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है उसे ज्ञानपुर जिला, भदोही, यू पी व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

S.O. 1655.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Subhash Chandra Pandey Advocate for appointment as a Notary to practise in Gyanpur Distt. Bhadohi in U.P.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[सं. 5(134)/97-न्यायिक]

उदय कांत झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

[No. F. 5(134)/97-Judl.]

U. K. JHA, Competent Authority and
Addl. Legal Adviser

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बीमा प्रभाग)

नई दिल्ली, 10 अप्रैल, 1997

का.आ. 1656 :—जीवन बीमा निगम अधिनियम, 1965 (1965 का 31) की धारा 4 में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री वी. के. डाल, अतिरिक्त सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बीमा प्रभाग) को जीवन बीमा निगम के सदस्य के रूप में दिनांक 10 अप्रैल, 1997 से श्री एन. के. सिन्हा के स्थान पर अगले आदेशों तक नियुक्त करती है।

[फाइल नं. 15/3/92-बीमा-V]

डी०सी० श्रीवास्तवा, निदेशक

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Insurance Division)

New Delhi, the 10th April, 1997

S.O. 1656.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri V. K. Dhall, Additional Secretary (Insurance), Department of Economic Affairs, Ministry of Finance as Member of the said Corporation with effect from 10th April, 1997 vice Shri N. K. Sinha till further orders.

[F. No. 15/3/92-Ins. V]

D. C. SRIVASTAVA, Director

मुख्य आयकर आयुक्त का कार्यालय, कलकत्ता

कलकत्ता, 10 जून, 1997

सं०-2/97-98

का.आ. 1657 :—कोई की पत्र संख्या-ए-11013/25/95-एड. 7, दिनांक 27-11-96 के अनुसार मु.आ.आ. कलकत्ता के क्षेत्र के जलपाईगुड़ी में आयकर आयुक्त के तए प्रभार का सृजन किया गया था।

2. आयकर अधिनियम, 1961 की धारा 120 के तहत दिए गए अधिकारों का एवं अपने अन्य सभी अधिकारों को प्रयोग करते हुए 5, मुख्य आयकर आयुक्त, कलकत्ता यह आदेश देता कि मालदा, उत्तर/दक्षिण दिनाजपुर, दार्जिलिंग, जलपाईगुड़ी, कूचबिहार जिलों में तथा सिक्किम राज्य में निवास करने वाले या जिनका व्यापार इन क्षेत्रों में है या व्यवसाय या रजिस्ट्रीकृत कार्यालय के संदर्भ में क्षेत्राधिकार का.आ. प. बंगाल-8, कलकत्ता के बदले में आ आ जलपाईगुड़ी, को दिया जाता है।

3. प्रत्यक्ष कर अधिनियम के अन्तर्गत उपर्युक्त स्थान पर तैनात सभी आयकर अधिकारी, सहायक आयकर आयुक्त, आ. उपायुक्त, अ. आयकर आयुक्त प्रशासन एवं कानूनी उद्देश्य के लिए उपर्युक्त आयुक्त, जलपाईगुड़ी, के अधीन रहेंगे।

4. यह आदेश 01-07-1997 से लागू होगा।

[सं० ए०सी०/मुख्य./योजना/10/97-98/2031]

के.पी. सिंह, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX : CALCUTTA

Calcutta, the 10th June, 1997

No. 2/97-98

S.O. 1657.—A new charge of Commissioner of Income-tax with headquarters at Jalpaiguri in the region of the Chief Commissioner of Income-tax, Calcutta was created vide Board's letter No. A-11013/25/95-Ad. VII dated 27-11-1996.

2. In exercise of the powers conferred u/s. 120 of the Income-tax Act, 1961, and all other powers enabling me in this behalf I, the Chief Commissioner of Income-tax, Calcutta, do hereby direct that the Commissioner of Income-tax, Jalpaiguri, will have jurisdiction in respect of all persons residing in or having their principal place of business or vacation or registered office in the territorial areas in the Districts of Malda, North/South Dinaipur, Darjeeling, Jalpaiguri, Cooch Behar and in the State of Sikkim, in place of the Commissioner of Income-tax, West Bengal-VIII, Calcutta.

3. All the Income-tax Officers, Asstt. Commissioners of Income-tax, Dy. Commissioners of Income-tax, Addl. Commissioners of Income-tax posted in any of the Income-tax Offices located at the above mentioned places would be subordinate to the said Commissioner of Income-tax, Jalpaiguri, for administrative and statutory purposes under the Direct Tax Acts.

4. This Order will take effect from 01-07-1997.

[No. AC/IIQ/PLANNING/10/97-98/2031]

K. P. SINGH, Chief Commissioner of Income-tax

(आर्थिक कार्य विभाग)

(बीमा-प्रभाग)

नई दिल्ली, 16 जून, 1997

का.आ. 1658.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री आर.एन. त्रिपाठी, प्रबन्ध निदेशक, भारतीय जीवन बीमा निगम को तत्काल प्रभाव से उक्त निगम का सदस्य नियुक्त करती है।

[फा.नं. 15/3/92-बीमा-V]

आर. रंगनाथ, निदेशक

(Department of Economic Affairs)

(Insurance Division)

New Delhi, the 16th June, 1997

S.O. 1658.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri R. N. Tripathi, Managing Director, Life Insurance Corporation of India as Member of the said Corporation with immediate effect.

[F. No. 15/3/92-Ins. V]

R. RENGANATH, Director.

मानव संसाधन विकास मंत्रालय
(युवा कार्यक्रम और खेल विभाग)
नई दिल्ली, 10 जून, 1997

का.आ. 1659:—दिनांक 3-1-1978 की अधिसूचना संख्या एफ 12-10/75-एन एस वाई -2 के भाग (क) (क) में निम्नलिखित उप पैरा को निम्नानुसार प्रतिस्थापित किया जाता है:—

के लिये	पढ़िए
1	2
इसके अलावा यदि किसी कार्रवाई में कोई प्रश्न उठता है कि कोई व्यक्ति इस करार के अन्तर्गत किसी विशेष अधिकार अथवा प्रतिरक्षा के लिए अर्ह है अथवा नहीं, शिक्षा और समाज कल्याण मंत्रालय, भारत सरकार के सचिव द्वारा अथवा उनके प्राधिकार के अन्तर्गत उक्त प्रश्न से संबंधित किसी तथ्य का उल्लेख करते हुए जारी किया गया प्रमाण पत्र इस तथ्य का निर्णायक साक्ष्य होगा।	इसके अलावा यदि किसी कार्रवाई में कोई प्रश्न उठता है कि कोई व्यक्ति इस करार के अन्तर्गत किसी विशेष अधिकार अथवा प्रतिरक्षा के लिए अर्ह है अथवा नहीं, मानव संसाधन विकास मंत्रालय (युवा कार्यक्रम और खेल विभाग), भारत सरकार के सचिव द्वारा अथवा उनके प्राधिकार के अन्तर्गत उक्त प्रश्न से संबंधित किसी भी तथ्य का उल्लेख करते हुए जारी किया गया प्रमाण पत्र इस तथ्य का निर्णायक साक्ष्य होगा।

[फा. सं. 17-9/94-युवा सेवा-3]

आर.एन. शर्मा, अवर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Youth Affairs and Sports)

New Delhi, the 10th June, 1997

S. O. 1659.—In the notification No. F. 12-10/75-NSY-II, dated 3-1-1978, the following sub-para in part 2(A)(a) be substituted as under:—

For	Read
1	2
Further, if in any proceedings any question arises whether or not any person is entitled to any privileges or immunity under this agreement, a certificate issued by or under the authority of the Secretary to the Government of India in the Ministry of Education & S. W. stating any fact relating to that question shall be conclusive evidence of that fact.	Further, if in any proceedings any question arises whether or not any person is entitled to any privileges or immunity under this agreement, a certificate issued by or under the authority of the Secretary to the Government of India in the Ministry of Human Resource Development (Department of

1	2
	Youth Affairs and Sports) stating any fact relating to that question shall be conclusive evidence of that fact.

[No.F. 17-9/94-YS-III]
R. N. SHARMA, Under Secy.

कोयला मंत्रालय

शुद्धि पत्र

नई दिल्ली, 19 जून, 1997

का.आ. 1660.—भारत के राजपत्र दिनांक 29 मार्च, 1997 के भाग II, खंड-3, उपखंड (ii) में पृष्ठ संख्या 1743 से 1748 पर प्रकाशित भारत सरकार कोयला मंत्रालय की अधिसूचना का.आ. संख्या 822, दिनांक 10 मार्च 1997 में—

1. अनुसूची में "पेंप क्षेत्र" के स्थान पर "पेंच क्षेत्र" पढ़िए।

2. अनुसूची "ख" में तहसील स्तम्भ के नीचे क्रम संख्या 1 और 2 में "परसिया" के स्थान पर "परासिया" पढ़िए।

और क्रम संख्या 2 में वन का नाम स्तम्भ के नीचे (परसिया रंग) के स्थान पर "(परासिया रेंज)" पढ़िए।

पृष्ठ संख्यांक 1745 में:—ग्राम नेहरिया में अजित किए जाने वाले प्लाट संख्यांक में:—

"83 भाग प्लाट" के स्थान पर "83 भाग" पढ़िए और "101 से 104" के स्थान पर "102 से 104" पढ़िए।

सीमा वर्णन में:—

4. रेखा "क-ख में सरकारी टन" के स्थान पर "सरकारी वन" पढ़िए। और "जनिया ग्राम" के स्थान पर "जमुनिया ग्राम" पढ़िए।

5. रेखा "ड-च-छ-ज" में "157" के स्थान पर "159" पढ़िए।

[सं. 43015/18/95-एल. एस. उल्ल्यू.]

श्रीमती प्रेम लता सैनी, अवर सचिव

आदेश

नई दिल्ली, 18 जून, 1997

का.आ. 1661.—कोयला धारक क्षेत्र (अर्जन और विकास, अधिनियम, 1957) (1957 का 20) (जिसमें इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 784, तारीख 8 मार्च, 1995 के, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 25 मार्च, 1995 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न

अनुसूची में बंणित भूमि और भूमि में या उस पर के अधिकारी (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लगभों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गये ;

केन्द्रीय सरकार का यह समाधान हो गया है कि ईस्टर्न कोल-फील्ड्स लि., मैक्टोरिया, डाकघर-दिशेरगढ़, जिला बर्द्धमान (पश्चमी बंगाल) सरकारी कंपनी शर्तों का, जो केन्द्रीय सरकार इस निर्मित अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार तारीख 25 मार्च, 1995 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

- (1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिफल, ब्याज, नुकमानी और वैसी ही मदों की बाबत किए गए सभी मंदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) उक्त सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को सदैव रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, उक्त सरकारी कंपनी वहन करेगी;
- (3) उक्त सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी;
- (4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) उक्त सरकारी कंपनी ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विभिन्न क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पावन करेगी।

[फा.सं. 43015/1/91—एल.एम.डब्ल्यू.]

श्रीमती प्रेम लता सैनी, अवर सचिव

ORDER

New Delhi, the 18th June, 1997

S.O. 1661.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, Number S.O. 784 dated the 8th March 1995 in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 25th March, 1995 issued under Sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under Sub-section (1) of Section 10 of the said Act.

And whereas the Central Government is satisfied that the Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh, District Burdwan (West Bengal) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that the said lands and rights in or over the said land so vested shall with effect from 25th March, 1995 instead of continuing to so vest in the Central Government shall vest in the Government Company subject to the following terms and conditions namely :—

- (1) The Government Company shall re-imburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
- (2) A Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under conditions (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the Government Company and similarly all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights in or over the said lands so vesting shall also be borne by the Government Company.
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting.
- (4) The Government Company shall have no power to transfer the said lands to any persons without the previous approval of the Central Government.
- (5) The Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/1/91-LSW]

MRS. P. L. SAINI, Under Secy.

प्रादेश

नई दिल्ली, 18 जून, 1997

का.प्रा. 1662.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इससे पश्चात् उक्त अधिनियम कहा गया है) की धारा की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला

मंत्रालय की अधिसूचना संख्या का.आ. 581, तारीख 14 फरवरी, 1995 के, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 4-3-1995 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गये थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लि., नागपुर (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये रजामंद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 4-3-1995 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की वजह, बजाय निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जायेंगे, अर्थात् :--

- (1) उक्त कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, व्याज, नुकसानी और बँसी ही मदों की बाबत किये गये सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) उक्त कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिये एक अधिकरण का गठन किया जायेगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिये नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिये या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, उक्त कंपनी वहन करेगी;
- (3) उक्त कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पद के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति, करेगी;

(4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि अधिकार किसी अन्य व्यक्ति को अंशित करने की शक्ति नहीं होगी; और

(5) उक्त कंपनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हों, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिये जायें या अधिरोपित की जायें, पालन करेगी।

[फा. सं. 43015/1/92 एल. एम. डब्ल्यू.]

श्रीमती प्रेम लता सैनी, अबर सचिव

ORDER

New Delhi, the 18th June, 1997

S.O. 1662.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal Number S.O. 581 dated the 14th February, 1995 in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 4th March, 1995 issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and all rights in or over such lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act ;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby directs that the said lands and all rights in or over such lands so vested shall, with effect from the 4th March, 1995, instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) The Government Company shall re-imburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act ;
- (2) A Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under conditions (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the Government Company and similarly all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights, in or over the said lands, so vesting shall also be borne by the Government Company ;
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting ;
- (4) The Government Company shall have no power to transfer the said lands to any other person without previous approval of the Central Government ; and
- (5) The Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/1/92-LSW]

MRS. P. L. SAINI, Under Secy.

आदेश

नई दिल्ली, 18 जून, 1997

का.आ. 1663.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसमें इस के पश्चात् उक्त अधिनियम कहा गया है) की धारा की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 3370, तारीख 27-11-1996 के, भारत के राजपत्र, भाग ii, खंड 3, उपखंड (II), तारीख 7-12-1996 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलंगमों से मुक्त होकर, आर्थिक रूप से केन्द्रीय सरकार में निहित हो गये थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि साऊथ ईस्टर्न कोलफील्ड्स लि., मध्य प्रदेश, सरकारी कंपनी (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है) ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिये रजामंद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 7 दिसम्बर, 1996 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जायेंगे, अर्थात् :—

- (1) उक्त कंपनी, उक्त अधिनियम के उपबन्धों के अधीन अधिरोपित प्रतिकर, व्याज, नुकसानी और वैसे ही मदों की बाबत किये गये सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) उक्त कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अधिधारण करने के प्रयोजन के लिये एक अधिकरण का गठन किया जायेगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिये नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिये या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, उक्त कंपनी वहन करेगी :

(3) उक्त कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार, या उसके पदधारियों द्वारा या उनके विरुद्ध किन्ही कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी ;

(4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और

(5) उक्त कंपनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिये दिये जायें या अधिरोपित की जायें, पालन करेगी ।

[फा.सं. 43015/21/94—एल.एस.उब्लू.]

श्रीमती प्रेम लता सैनी, अवर सचिव

ORDER

New Delhi, the 18th June, 1997

S.O. 1663.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal Number S.O. 3370 dated the 27th November, 1996, in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 7th December, 1996 issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the land and rights in or over the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act.

And whereas the Central Government is satisfied that the South Eastern Coalfields Limited, Bilaspur (Madhya Pradesh) (hereinafter referred to as the said Company), a Government Company, is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands so vested shall, with effect from 7th December, 1996, instead of continuing to so vest in the Central Government, vest in the said Company, subject to the following terms and conditions, namely :—

1. The said company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
2. A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under condition (1), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights in or over the said lands, so vesting shall also be borne by the said Company;

3. The said company shall indemnify the Central Government or its Official against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;
4. The said company shall have no power to transfer the said lands to any other persons without the previous approval of the Central Government; and
5. The said company shall abide by such directions and conditions as may be given or imposed by the Central government for particular areas of the said lands, as and when necessary.

[F. No. 43015/21/94-LSW]
MRS. P. L. SAINI, Under Secy.

आदेश

नई दिल्ली, 18 जून, 1997

का.आ.—1664 कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 281, तारीख 19-1-1995 के, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 4-2-1995 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लगनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लि. नागपुर कंपनी (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है), ऐसे बंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 4-2-95 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय निम्नलिखित निबंधों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जायेंगे, अर्थात् :—

(1) उक्त कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिफल, व्याज, नुकसानों और वैसी ही मदों की वावत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;

(2) उक्त कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त

व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे—अपील आदि की वावत उपगत सभी व्यय भी, उक्त कंपनी वहन करेगी;

(3) उक्त कंपनी, केन्द्रीय सरकार या उसके पदधारियों की ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी;

(4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमि अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) उक्त कंपनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी ।

[फा. सं. 43015/17/89-एल.एस. डब्ल्यू.]
श्रीमति प्रेम लता सैनी, अवर सचिव

ORDER

New Delhi, the 18th June, 1997

S.O. 1664.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal No. S.O. 281, dated the 19th January, 1995 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 4th February, 1995, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the lands and all rights in or over the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the said company) a Government company is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over such lands so vested shall, with effect from the 4th day of February, 1995, instead of continuing to so vest in the Central Government, vest in the said company, subject to the following terms and conditions, namely :—

(1) the said company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;

(2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said company under condition (1), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said company

and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vesting shall also be borne by the said company;

- (3) the said company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;
- (4) the said company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and
- (5) the said company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/17/89-LSW]

MRS. P. L. SAINI, Under Secy.

शुद्धि पत्र

नई दिल्ली, 19 जून, 1997

का.आ. 1665.—भारत के आधारेण राजपत्र दिनांक 20-5-97 में भाग-2, खंड-3, उपखंड (ii) में पृष्ठ संख्यांक 1 से 5 पर प्रकाशित भारत सरकार कोयला मंत्रालय की अधिसूचना का.आ. संख्या 226 (अ) दिनांक 20 मार्च, 1997 में,

पृष्ठ संख्यांक 3 में :-

(1) ग्राम चारवत में अर्जित किए वाले प्लॉट सं में :-

“सड़क (भाग), सड़क (भाग) के स्थान पर “सड़क (भाग)” पढ़िए ।

[सं. 43015/2/97-एल. एस. डब्ल्यू]

श्रीमति प्रेम लता सैनी, अवर सचिव

CORRIGENDA

New Delhi, the 19th June, 1997

S.O. 1665.—In the notification of the Government of India in the Ministry of Coal, number S.O. 226(E), dated the 20th March, 1997, published at pages 1 to 5 of the Gazette of India Extraordinary, Part-II, Section-3, Sub-Section (ii) dated the 20th March, 1997,—

1. At page 4,—

(1) in line 1, for “bu” read “by”;

(2) in Explanation, in pars 3, in line 2, for “in interest” read “an interest”;

2. At page 5,—

(1) in line 1, for “Plot numbers to acquired in village Arwat” read “Plot numbers to be acquired in village Arwat”;

(2) in line 2, for “197 to 181” read “167 to 181”.

[No. 43015/2/97-LSW]

MRS. P. L. SAINI, Under Secy.

शुद्धि पत्र

नई दिल्ली, 19 जून, 1997

का.आ. 1666.—भारत के राजपत्र तारीख 5 अक्टूबर, 1996 के भाग 2, खंड 3, उपखंड (ii) में पृष्ठ क्रमांक 3831 एवं 3832 पर प्रकाशित भारत सरकार कोयला मंत्रालय की अधिसूचना संख्या का.आ. 2801 तारीख 23 सितम्बर, 1996 में,

पृष्ठ क्रमांक 3831,

नवीं पंक्ति में “कोयला नियंत्रक, काउंसिल हाउस स्ट्रीट” के स्थान पर “कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट” पढ़ें ।

पृष्ठ क्रमांक 3832,

पांचवीं पंक्ति में “निघाई” के स्थान पर “निगाही” पढ़ें तथा अधिसूचना में जहाँ कहाँ भी “निघाई” शब्द प्रयुक्त हुआ हो के स्थान पर “निगाही” पढ़ें ।

अनुसूची के स्तम्भ लगभग एकड़ के स्थान पर “क्षेत्र एकड़ लगभग” पढ़ें ।

अनुसूची में ग्राम स्तम्भ में “मेघौली” के स्थान पर “मेढाली” पढ़ें तथा अधिसूचना में जहाँ कहाँ भी “मेघौली” शब्द प्रयुक्त हुआ हो के स्थान पर “मेढाली” पढ़ें ।

अनुसूची के स्तम्भ लगभग एकड़ में योग “कुल क्षेत्र 1473 एकड़ लगभग” या “596.11 हेक्टेयर लगभग” जोड़ कर पढ़ें ।

सीमा वर्णन में :-

रेखा ग-घ में “व” के बाद तथा “पर” के पहले “बिन्दु” जोड़ कर पढ़ें ।

रेखा झ-अ में “होन” के स्थान पर “होते” पढ़ें ।

रेखा अ-र में “अ-र” के स्थान पर “अ-ट” पढ़ें, तथा के बाद “र” के स्थान पर “ट” पढ़ें ।

रेखा र-ठ में “र-ठ” रेखा के स्थान पर “ट-ठ” रेखा पढ़ें ।

[फा. सं. 43015/7/96-एल.एस.डब्ल्यू]

श्रीमती पी. एल. सैनी, अवर सचिव

CORRIGENDUM

New Delhi, the 19th June, 1997

S.O. 1666.—In the notification of the Government of India in the Ministry of Coal, No. S.O. 2801, dated the 23rd September 1996, published at pages 3832-33 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 5th October 1996,—

at page 3833; in the Schedule, against the total area; for “569. 11 hectares (approximately)” read “596, 11 hectares (approximately)”.

[F. No. 43015/7/96-LSW]

MRS. P. L. SAINI, Under Secy.

आदेश

नई दिल्ली, 18 जून, 1997

का.आ. 1667.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 404 तारीख 28 जनवरी, 1997 के भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii), तारीख 15-2-1997 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त

अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलगनों में मुक्त होकर, आन्वयितिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि ईस्टर्न कोलफील्ड्स लि., सैंक्टोरिया, डाकखाना-दिशेरगढ़, जिला बर्द्धमान (पश्चिमी बंगाल) कंपनी (जिसे इसमें इसके पश्चात् उक्त कंपनी कहा गया है) ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामन्द है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार तारीख 15-2-1997 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सकारी कंपनी में निहित हो जाएंगे, अर्थात्:—

- (1) उक्त कंपनी उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, व्याज, नुकसानी और बँसी ही मर्कों की वावत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) उक्त कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संवेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की वावत उपगत सभी व्यय भी, उक्त कंपनी वहन करेगी;
- (3) उक्त कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी;
- (4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमि अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) उक्त कंपनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा सं 430/15/12/93-एल.एस. डब्ल्यू]

श्रीमति प्रेम लता सैनी, अवर सचिव

ORDER

New Delhi, the 18th June, 1997

S.O. 1667.—Whereas on the publication of the notification of the Government of India, in the

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Ministry of Coal, number S.O. 404 dated the 28th January, 1997 in the Gazette of India, Part-II, Section-3, Sub-section (ii), dated the 15th February, 1997 issued under Sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act.

And whereas the Central Government is satisfied that the Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh, I district Burdwan (West Bengal) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands so vested shall with effect from 15th February, 1997 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely:—

- (1) The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
- (2) A tribunal shall be constituted for the purpose of determining the amount payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights in or over the said lands so vesting shall also be borne by the Government Company.
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands so vesting.
- (4) The Government Company shall have no power to transfer the said lands to any other persons without the previous approval of the Central Government.

- (5) The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/12/93-LSW]

MRS. P. L. SAINI, Under Secy.

कृषि मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 13 जून, 1997

का.आ. 1668:—केन्द्रीय सरकार, कृषि मंत्रालय, कृषि अनुसंधान तथा शिक्षा विभाग, राजभाषा (संघ) के शासकीय प्रयोजनों के लिए प्रयोग नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा भारतीय कृषि अनुसंधान परिषद के राष्ट्रीय पशु अनुवांशिक संसाधन ब्यूरो, करनाम (हरियाणा) जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[संख्या 13-5/95-हिन्दी]

आर.पी. सरोज, अवर सचिव

MINISTRY OF AGRICULTURE
(Department of Agriculture Research)

New Delhi, the 13th June, 1997

S.O. 1668.—In pursuance of Sub-Rule 4 of Rule 10 of the Official Language (Use of Official purpose of the Union) Rule 1976, the Central Government, Ministry of Agriculture, Department of Agricultural Research and Education hereby notifies the National Bureau of Animal Genetic Resources (ICAR) Karnal (Haryana) where more than 80 percent of Staff have acquired the working knowledge of Hindi.

[No. 13-5/95-Hindi]

R. P. SAROJ, Under Secy.

शहरी कार्य और रोजगार मंत्रालय

(शहरी विकास विभाग)

(दिल्ली प्रभाग)

नई दिल्ली, 5 जून, 1997

का.आ. 1669:—केन्द्र सरकार दिल्ली नगर निगम द्वारा चयन किए जाने पर कु० दीव्या भार्गव, पार्षद और श्री महावन मिथा, पार्षद को दिल्ली विकास अधिनियम 1957 (1957 का 61) की धारा 3 की उप-धारा (3) के खण्ड (ऊ) के साथ पठित उप-धारा (1) के प्रावधानों के अनुसार एतद्वारा तत्काल प्रभाव से दिल्ली विकास प्राधिकरण का सदस्य मनोनित करती है।

[सं. के-11011/24/97-डीडी[ए]]

बी.के. मिश्रा, डैस्क अधिकारी

MINISTRY OF URBAN AFFAIRS & EMPLOYMENT
(Department of Urban Development)

(Delhi Division)

New Delhi, the 5th June, 1997

S.O. 1669.—In pursuance to their election by the Municipal Corporation of Delhi, the Central Government in accordance

with the provisions of sub-section (1), read with clause (c) of sub-section (3) of Section 3 of the Delhi Development Act, 1957 (61 of 1957), hereby nominates Km. Deyyaga Bhargava, Councillor and Shri Mahabal Mishra, Councillor as Member of the Delhi Development Authority with immediate effect.

[No. K-11011/24/97-DDIA]

V. K. MISHRA, Desk Officer

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 20 जून, 1997

का. आ. 1670.—पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50वां) की धारा 2 के खण्ड (ए) के अनुसरण में केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के कालम 1 में उल्लिखित व्यक्ति को उक्त कालम-3 की तदनुसूची प्रविष्टि में उल्लिखित क्षेत्र की सीमाओं के भीतर उक्त अधिनियम के अंतर्गत सक्षम प्राधिकारी के कार्य करने के लिए एतद्वारा प्राधिकृत करती है।

अनुसूची

व्यक्ति का नाम	पता	क्षेत्रीय अधिकार
1	2	3
बी.के. शर्मा अतिरिक्त क्लर्क	गैस अथॉरिटी आफ इंडिया लि. ए-9, सेक्टर-19, नोएडा गाजियाबाद (उ.प्र.)	सम्पूर्ण उत्तर प्रदेश राज्य

[सं.प्ल. 14016/18/93 जी.पी.]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM & NATURAL
GAS

New Delhi, the 20th June, 1997

S.O. 1670.—In pursuance of clause (a) of Section 2 of the Petroleum & Minerals Pipelines (Acquisition of Right of Users in Land) Act—1962 (50 of 1952) the Central Government hereby authorise the person mentioned in column—1 of the schedule below to perform the function of Competent Authority under the said Act within the area mentioned in the corresponding entry in the column 3 of the said schedule.

SCHEDULE

Name of the Person	Address	Territorial Jurisdiction
1	2	3
V.K. Sharma Addl. Collector	Gas Authority, of India Ltd. A-9, Sector 19 Noida Distt.- Ghaziabad (U.P.)	whole U.P. State

[No. L-14016/18/93 G.P.]

ARDHENDU SEN, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय
नई दिल्ली, 2 जून 1997.

का.आ. 1674 - केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन केलिये भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में श्री ए.बी.कालरिया, सक्षम प्राधिकारी, भारत ओमान रीफाइनरीज लिमिटेड, सेंट्रल इंडिया रीफाइनरी परियोजना, बी-5, हीरक सेन्टर, नेहरू पार्क, वस्त्रापुर, अहमदाबाद-380 015, गुजरात को कर सकेगा;

अनुसूची

तालुका: चांटीला	जिला: सुरेन्द्रनगर	राज्य: गुजरात		
गांव का नाम	सर्वेक्षण संख्या/ खंड संख्या	क्षेत्र		
(1)	(2)	(3)	(4)	(5)
आणंदपुर	नाला	0	03	60
	25/पैकी	0	09	95
	25/पैकी	0	09	95
	25/पैकी	0	09	95
	26/पैकी	0	16	13
	26/पैकी	0	16	12
	काट्ट्रेक	0	01	80
	21	0	56	70
	20	0	56	25
	19/1पैकी	0	18	62
	19/1पैकी	0	18	63
	12	0	32	40
रामपरा(धानगढ)	67 सरकारी	0	46	20
	68	0	38	85
	रोड	0	05	40
	72/1	0	39	52
	72/2	0	39	53
	73	0	48	00
	74/1	0	28	95

(1)	(2)	(3)	(4)	(5)
लाखामाची	नदी	0	52	05
	99 पैकी	0	28	75
	रोड	0	32	95
	100	0	18	00
	101/1	0	76	50
	101/2	0	25	37
	काट्ट्रेक	0	01	20
	102/2	0	36	28
	149/1	0	13	80
	146/1	0	82	13
	141 सरकारी	1	24	46
	138	0	05	50
	151 सरकारी	3	10	25
देवलीया	2 सरकारी	0	73	50
	1 सरकारी	0	21	77
	नाला	0	03	90
	65 सरकारी	0	26	38
	रोड	0	03	60
	71/1	0	45	83
	71/2	0	08	93
	71/3	0	23	93
	काट्ट्रेक	0	03	00
	26/2	0	27	60
	31/1पैकी	0	67	20
	नाला	0	26	45
	33/1पैकी	0	23	70
	33/2	0	26	60
	33/2	0	17	40
	नहेर	0	06	84
	34/2	0	13	64
रूपावटी	96/पैकी	0	43	40
	95/पैकी	0	29	47
	94पैकी	0	26	04
	93 सरकारी	0	69	18
	99/1	0	33	09
	100	0	28	24
	101	0	34	77
	108 सरकारी	0	07	61
	110/1 सरकारी	0	11	89
	110/2	0	11	96
	110/3	0	12	09
	109/1पैकी	0	32	25
	109/1	0	30	00
	109/2 सरकारी	0	32	35
	रोड	0	03	87
	8/2	0	45	79
	7	0	06	86
	6/2 पैकी	0	00	85

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)	
	6/2 पैकी	0	01	18		227/2 पैकी	0	22	42	
	14/1	0	27	37		226/3	0	34	59	
	14/3 सरकारी	0	22	00		225/1	0	21	03	
	15/1	0	25	80		नाला	0	02	10	
	15/2	0	31	37		219/पैकी	0	22	60	
	15/4	0	02	00		211/2	0	65	27	
	16 पैकी	0	18	75		211/2	0	28	50	
	16 पैकी	0	76	51		211/3	0	14	09	
	23	0	03	48		212/1	0	77	85	
	नदी	0	32	71		208 पैकी	0	30	19	
थानगढ़	नदी	0	20	40		208 पैकी	0	73	20	
	343	0	25	75		रोड	0	06	00	
	333 पैकी	0	19	20		208 पैकी	0	15	90	
	333 पैकी	0	19	05		208 पैकी	0	45	72	
	333 पैकी	0	19	00		206/2	0	37	69	
	333 पैकी	0	19	00		203 पैकी	0	05	62	
	333 पैकी	0	19	00		203/पैकी	0	24	30	
	330/2	0	28	50		203/पैकी	0	31	58	
	329/2 पैकी	0	36	30		काट ट्रेक	0	01	75	
	321/2	0	08	78		202/1	0	58	20	
	321/1	0	29	47		202/पैकी	0	01	47	
	322/2 सरकारी	0	25	05		201/पैकी	0	51	90	
	317/पैकी	0	66	30		201/पैकी	0	33	00	
	316	0	40	20		201/पैकी	0	38	11	
	315/5	0	10	62		153/2	0	26	25	
	रोड	0	04	40		153/3 सरकारी	0	17	25	
	251 सरकारी	0	09	32		नाला	0	33	30	
	252/2	0	43	38	खाखरवाडी	164/1 पैकी	0	56	55	
	252/1	0	32	70		रेलवे	0	14	10	
	253 गोचर	0	27	75		165 सरकारी	1	15	80	
	254/2 पैकी	0	34	01		166	0	25	50	
	254/1	0	27	49		167/1 सरकारी	0	62	70	
	255/3 सरकारी	0	19	05		168/1 सरकारी	0	10	05	
	255/2	0	35	52		168/2	}			
	255/1 सरकारी	0	01	73		168/3		0	63	60
	खराना					168/4		}		
	256/2	0	01	55		रोड	0		08	32
	256/8	0	12	79		3/2 पैकी	0	63	58	
	256/8	0	15	00		3/3 सरकारी	0	11	06	
	256/6	0	18	45		5/3 पैकी	0	02	73	
	231/2 पैकी	0	06	86		2 सरकारी	1	13	76	
	231/2 पैकी	0	06	85		काट ट्रेक	0	01	80	
	231/1 पैकी	0	07	50		11	0	31	05	
	231/3 सरकारी	0	57	40		10/1	0	46	05	
	232/1 सरकारी	0	15	12		काट ट्रेक	0	02	40	
	227/6 सरकारी	0	02	26		43	0	20	40	
	227/1	0	45	44		44/पैकी	0	23	55	
	227/2 पैकी	0	30	60		47/1	0	91	80	

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(4)	(5)	(6)
	47/2 सरकारी	0	24	00		Cart track	0	01	80
रावरानी	1/पैकी	0	75	55		21	0	56	70
	2	0	34	60		20	0	56	25
	3	0	16	80		19/1Paiki	0	18	62
	13/पैकी	0	99	98		19/1Paiki	0	18	63
	12	0	89	83		12	0	32	40
	17	0	00	35	Rampara(Than)	67 Government	0	46	20
	11	0	09	62		68	0	38	85
	18 सरकारी	0	38	83		Road	0	05	40
						72/1	0	39	52
						72/2	0	39	53
						73	0	48	00
						74/1	0	28	95
					Lakhamachi	River	0	52	05
						99 Paiki	0	28	75
						Road	0	32	95
						100	0	18	00
						101/1	0	76	50
						101/2	0	25	37
						Cart track	0	01	20
						102/2	0	36	28
						149/1	0	13	80
						146/1	0	82	13
						141 Government	1	24	46
						138	0	05	50
						151 Government	3	10	25
					Devaliya	2 Government	0	73	50
						1 Government	0	21	77
						Drain	0	03	90
						65 Government	0	26	38
						Road	0	03	60
						71/1	0	45	83
						71/2	0	08	93
						71/3	0	23	93
						Cart track	0	03	00
						26/2	0	27	60
						31/1Paiki	0	67	20
						Drain	0	26	45
						33/1Paiki	0	23	70
						33/2	0	26	60
						33/2	0	17	40
						Canal	0	06	84
						34/2	0	13	64
					Rupavati	96/Paiki	0	43	40
						95/Paiki	0	29	47
						94Paiki	0	26	04
						93 Government	0	69	18
						99/1	0	33	09
						100	0	28	24
						101	0	34	77
						108 Government	0	07	61
						110/1 Government	0	11	89
						110/2	0	11	96
						110/3	0	12	09
						109/1Paiki	0	32	25
						109/1	0	30	00

[फा. सं. आर-31015/4/97-ओआर. II]

के. सी. फटोच, अवर सचिव

Ministry of Petroleum and Natural Gas
New Delhi, the 2nd June, 1997

S.O 1671 - Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh. pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri A. V. Kalaria, Competent authority, Bharat Oman Refineries Limited, Central India Refinery Project, B-5, Hirak Centre, Nehru Park, Vastrapur, Ahmedabad-380015 Gujarat,

Schedule

Taluka Chotila District, Surendranagar State Gujarat

Name of Village	Survey/Block Number	Area		
		Hectare	Are	Centare
(1)	(2)	(4)	(5)	(6)
Anandpur	Nalla	0	03	60
	25/Paiki	0	09	95
	25/Paiki	0	09	95
	25/Paiki	0	09	95
	26/Paiki	0	16	13
	26/Paiki	0	16	12

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	109/2 Government	0	32	35		Drain	0	02	10
	Road	0	03	87		219/Paiki	0	22	60
	8/2	0	45	79		211/2	0	65	27
	7	0	06	86		211/2	0	28	50
	6/2 Paiki	0	00	85		211/3	0	14	09
	6/2 Paiki	0	01	18		212/1	0	77	85
	14/1	0	27	37		208 Paiki	0	30	19
	14/3 Government	0	22	00		208 Paiki	0	73	20
	15/1	0	25	80		Road	0	06	00
	15/2	0	31	37		208 Paiki	0	15	90
	15/4	0	02	00		208 Paiki	0	45	72
	16 Paiki	0	18	75		206/2	0	37	69
	16 Paiki	0	76	51		203 Paiki	0	05	62
	23	0	03	48		203/Paiki	0	24	30
	River	0	32	71		203/Paiki	0	31	58
Thangadh	River	0	20	40		Cart track	0	01	75
	343	0	25	75		202/1	0	58	20
	333Paiki	0	19	20		202/Paiki	0	01	47
	333Paiki	0	19	05		201/Paiki	0	51	90
	333Paiki	0	19	00		201/Paiki	0	33	00
	333Paiki	0	19	00		201/Paiki	0	38	11
	333Paiki	0	19	00		153/2	0	26	25
	330/2	0	28	50		153/3 Government	0	17	25
	329/2Paiki	0	36	30		Drain	0	33	30
	321/2	0	08	78	Khakhrawadi	164/1Paiki	0	56	55
	321/1	0	29	47		Railway	0	14	10
	322/2	0	25	05		165 Government	1	15	80
	Government					166	0	25	50
	317/Paiki	0	66	30		167/1 Government	0	62	70
	316	0	40	20		168/1 Government	0	10	05
	315/5	0	10	62		168/2	}	0	63
	Road	0	04	40		168/3			
	251 Government	0	09	32		168/4			
	252/2	0	43	38		Road	0	08	32
	252/1	0	32	70		3/2 Paiki	0	63	58
	253 Cattle field	0	27	75		3/3 Government	0	11	06
	254/2 Paiki	0	34	01		5/3 Paiki	0	02	73
	254/1	0	27	49		2 Government	1	13	76
	255/3 Government	0	19	05		Cart track	0	01	80
	255/2	0	35	52		11	0	31	05
	255/1 Government	0	01	73		10/1	0	46	05
	Kharaba					Cart track	0	02	40
	256/2	0	01	55		43	0	20	40
	256/8	0	12	79		44/Paiki	0	23	55
	256/8	0	15	00		47/1	0	91	80
	256/6	0	18	45		47/2 Government	0	24	00
	231/2Paiki	0	06	86	Ravrani	1/Paiki	0	75	55
	231/2Paiki	0	06	85		2	0	34	60
	231/1Paiki	0	07	50		3	0	16	80
	231/3 Government	0	57	40		13/Paiki	0	99	98
	232/1 Government	0	15	12		12	0	89	83
	227/6 Government	0	02	26		17	0	00	35
	227/1	0	45	44		11	0	09	62
	227/2 Paiki	0	30	60		18 Government	0	38	83
	227/2 Paiki	0	22	42					
	226/3	0	34	59					
	225/1	0	21	03					

[File No R-31015/4/97-OR.II]

K.C. Katoch, Under Secy

पेट्रोलियम और प्राकृतिक गैस मंत्रालय नई दिल्ली, तारीख 3 जून 1997		(1)	(2)	(3)	(4)	(5)		
का.आ. 1672 - केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिये भारत ओमान रीफाइनरीज़ लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;			14 पैकी	0	33	30		
			13 पैकी	0	41	40		
			काट्ट्रेक	0	09	60		
			12	0	45	08		
			11	0	08	00		
			रेलवे	0	02	10		
			138	0	01	26		
			236	0	25	69		
और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;			235 पैकी	0	13	22		
			235 पैकी	0	00	41		
			238	0	36	98		
			239	0	52	80		
अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;			243 पैकी	0	25	20		
			243 पैकी	0	12	15		
			244	0	27	51		
			242	0	63	09		
		लींबडी	586/2	0	07	12		
			586/4	0	01	37		
			586/3	0	48	56		
			583	0	68	25		
			582	0	39	33		
उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में श्री ए.बी.कालरिया, सक्षम प्राधिकारी, भारत ओमान रीफाइनरीज़ लिमिटेड, सेंट्रल इंडिया रीफाइनरी परियोजना, बी-5, हीरक सेन्टर, नेहरू पार्क, वस्त्रापुर, अहमदाबाद-380 015, गुजरात को कर सकेगा;			223	0	45	60		
		अंकेवालीया	224	0	20	70		
			234	0	23	98		
			233 पैकी	0	43	70		
			238	0	39	49		
			239	0	32	93		
			242	0	05	34		
			243 पैकी	0	63	90		
			248	0	48	45		
तालुका: लींबडी जिला: सुरेन्द्रनगर राज्य: गुजरात			479/5 सरकारी	0	04	50		
गांव का नाम सर्वेक्षण संख्या/खंड संख्या		क्षेत्र	253	0	39	15		
		हेक्टर आरे सेन्टीआरे	267	0	17	70		
(1)	(2)	(3)	(4)	(5)				
रासका	421 पैकी गोचर	1	28	02	268	0	19	35
	39/1	0	16	02	314/2	0	22	80
	38	0	28	05	314/1	0	17	85
	37 पैकी	0	44	10	312 पैकी	0	07	44
	35	0	44	40	313	0	64	95
	नाला	0	12	00	नाला	0	12	68
	16 पैकी	0	22	05	323	0	60	30
	15 पैकी	0	37	50	325 पैकी	0	14	10
	काट्ट्रेक	0	14	25	325 पैकी	0	33	30
	14 पैकी	0	16	20	325 पैकी	0	19	20

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	332	0	67	65		167	0	00	10
	नाला	0	06	75		168	0	03	29
	331 पैकी	0	74	70		169	0	08	96
भलगामडा	नाला	0	05	40		170	0	24	30
	296 पैकी	0	17	00		172	0	00	12
	296 पैकी	0	17	00		171	0	25	65
	296 पैकी	0	17	00		174	0	15	00
	297	0	18	00		175	0	14	70
	298	0	15	32		176	0	45	15
	292	0	00	20		177	0	39	12
	299	0	17	16		नाला	0	07	20
	289	0	46	85		35	0	02	20
	300	0	05	93		34	0	18	45
	302	0	00	65		33	0	08	85
	288	0	17	85		32	0	09	45
	287	0	15	45		31	0	14	70
	286	0	15	90		6 पैकी	0	21	15
	285 पैकी	0	08	40		7	0	24	30
	285 पैकी	0	08	40		8	0	41	20
	284	0	38	15		9	0	06	93
	283	0	24	45		रोड	0	11	40
	282	0	15	30		1227	0	32	80
	281	0	13	80		1228	0	35	10
	280	0	37	65		1233/1	0	13	95
	279	0	14	55		1229	0	10	05
	278 पैकी	0	19	02		1230	0	16	80
	278 पैकी	0	19	03		1187	0	32	10
	277	0	10	80		1188	0	25	65
	276	0	10	05		काट ट्रेक	0	01	80
	275	0	14	40		1171	0	02	96
	नाला	0	07	95		1169	0	27	47
	रोड	0	05	40		1172	0	01	40
	272	0	54	89		1167	0	33	00
	नाला	0	12	64		1170	0	26	85
	158 पैकी	0	04	50		1160	0	22	80
	158 पैकी	0	11	10		1161	0	27	25
	157	0	27	56		1162	0	18	00
	156	0	12	65		नाला	0	08	76
	155	0	00	42		1118	0	32	40
	159	0	08	55		1122	0	04	83
	160	0	11	40		1119	0	34	27
	161	0	19	80		1120	0	08	10
	162	0	31	40		नाला	0	04	70

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1116 पैकी	0	00	57		काट ट्रेक	0	09	00
	1102	0	51	36		212/1	0	41	70
	1101	0	12	90		214	0	27	60
	1100	0	45	12		216 पैकी	0	32	10
	1103 पैकी	0	09	66		217/2	0	25	20
	1103 पैकी	0	12	30		217/4	0	20	40
	1098 पैकी	0	30	75		नाला	0	04	35
	1097	0	09	15		191/1 पैकी	1	12	35
	1096	0	13	80		नाला	0	04	80
	1095	0	19	20		147 पैकी	0	64	05
	1091	0	15	30		148/1	0	08	40
	1090	0	14	55		149	0	16	80
	1089	0	27	45		150	0	37	80
	1086	0	12	32		140 पंचायत	0	53	78
	1085	0	10	66		152 पैकी	0	00	36
	1082	0	04	75		152 पैकी	0	00	76
चोरनिया	174	0	11	52	कटारीया	338	0	98	53
	173	0	10	40		341 सरकारी	0	02	30
	172	0	17	00		339	0	72	60
	170	0	10	50		305	0	00	63
	169	0	07	20		304	0	26	53
	168	0	07	50		303/पैकी	0	21	60
	165	0	31	50		303/पैकी	0	39	60
	164 पैकी	0	33	60		303/पैकी	0	42	00
	164 पैकी	0	31	50		302/1 पैकी	0	49	27
	159 पैकी	0	33	90		300 सरकारी	0	55	44
	158	0	07	80		299	0	59	05
	157	0	13	35		298 पैकी	0	30	00
	156 पैकी	0	50	70		298 पैकी	0	21	30
	काट ट्रेक	0	04	80		297 गोचर	0	65	70
	87	0	44	07		412 खराबा	1	52	39
	86	0	29	46		184 पैकी	0	28	05
	88 पैकी	0	22	50		185 पैकी	0	30	90
	88 पैकी	0	23	70		187 पैकी	0	35	40
	65	0	41	64		189	0	66	12
	64 पैकी	0	78	82		रोड	0	04	98
	63	0	05	21		176 पैकी	0	24	15
	63	0	05	06		190	0	00	90
जाखन	258/1/1	0	12	30		175 पैकी	0	23	40
	258/1/2	0	13	20		174 पैकी	0	23	40
	257	0	23	40		173/2	0	21	90
	255	0	25	50		172	0	21	75
	254	0	58	80		171 पैकी	0	21	90

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	170	0	10	50		74	0	32	16
	169	0	12	00		79 पैकी	0	24	01
	168 पैकी	0	31	95		79 पैकी	0	24	01
	165	0	23	25		75/2	0	18	98
	164 पैकी	0	07	95		78/2	0	10	61
	164 पैकी	0	07	95		76 पैकी	0	04	79
	164 पैकी	0	07	95		77	0	09	58
	162 पैकी	0	22	20		78/1	0	23	03
	163 पैकी	0	23	70		65/2	0	41	28
	161 पैकी	0	23	10		65/1	0	00	10
	160 पैकी	0	19	20		रोड	0	02	80
	152	0	45	15		90/2	0	30	75
	151 पैकी	1	06	65		91/1	0	42	00
दोकराला	288 पैकी	0	48	57		91/2	0	19	40
	286	0	02	20		89/1	0	00	93
	287	0	16	50		92	0	27	00
	293	0	17	25		93/1	0	29	33
	292	0	16	50		93/2	0	04	37
	290/1	0	32	55		रोड	0	17	10
	300	0	26	10		134/1	0	08	70
	301	0	24	90		104	0	36	60
	302/1	0	36	15		103 पैकी	0	37	85
	302/2	0	46	92		103 पैकी	0	01	00
	रोड	0	08	80	पानसीना	1774	0	27	75
	11	0	35	72		1773	0	23	40
	रोड	0	04	95		1772	0	41	40
	22	0	20	70		1771 पैकी	0	14	10
	24	0	72	96		1770	0	22	35
	9/1	0	43	35		1769	0	30	60
	कार्ट्रिज	0	07	75		1768	0	28	80
	41/1	0	24	83		1766	0	00	16
	41/2	0	05	22	रलोल	730 सरकारी	0	52	35
	41/3	0	23	21		731	0	63	00
	40	0	22	40		734	0	02	01
	41/4	0	09	75		732/2	0	00	10
	45/2	0	26	85		733	0	52	95
	43/3	0	14	73		736	0	75	83
	45/1	0	06	93		737	0	22	89
	44	0	03	50		744 पैकी	0	11	50
	43/4	0	08	54		744 पैकी	0	13	43
	43/5	0	26	10		738	0	13	62
	रोड	0	05	25		742	0	04	05
	73/1 पैकी	0	39	90		743	0	22	43

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)	
	काट ट्रेक	0	14	10		1200 पैकी	0	07	38	
	778/2	0	75	30		1200 पैकी	0	16	50	
	823	0	45	45		1200 पैकी	0	15	00	
	824	0	55	39		1199	0	01	30	
	825/1	0	33	35		1163	0	68	50	
	825/2	0	33	36		1164	0	14	68	
	नाला	0	04	80		1165	0	06	23	
	918/1 पैकी	0	43	05		1158	0	65	88	
	917	0	28	35		1157	0	10	54	
	916	0	25	65		1156	0	28	65	
	915	0	23	14		1152	0	15	90	
	914	0	01	88		1153	0	15	75	
	913	0	44	65		1147/2	0	33	60	
	काट ट्रेक	0	03	00		1142	0	61	05	
	964	0	46	82	धनश्यामपुर	115	0	68	55	
	970	0	14	97		116	0	47	25	
	971	0	43	10		सरकारी खराबा	0	25	50	
	969	0	02	91		117	0	00	45	
	972 सरकारी	0	75	47		130	0	00	81	
	973	0	01	50		131	0	61	50	
	978/1	0	46	95		132	0	60	60	
	नाला	0	24	70		137	0	62	25	
	1027/1	0	06	92		138	0	27	15	
	1027/2	0	52	62		139	0	37	35	
	1028 पैकी	0	39	75		148	0	65	40	
	1025/1 सरकारी	}	0	52	67		149	0	61	80
	1025/2 सरकारी						156	0	41	40
	1026	0	15	21		155	0	18	75	
	1051	0	20	25		158	0	70	20	
	1050 सरकारी	0	28	55		163	0	55	20	
	1929	0	15	15		167	0	07	48	
	1930 सरकारी	0	32	30		166	0	52	10	
	1054	0	24	30		169	0	01	30	
	पड तर	0	83	16		168	0	63	00	
	1240	0	38	40		171	0	63	00	
	1239	0	30	30		173	0	59	88	
	1238	0	04	08		174/1	0	00	72	
	1237	1	33	89	जनशाली	काट ट्रेक	0	03	35	
	1235	0	47	70		91	0	32	10	
	1233	0	22	80		88	0	45	60	
	1203	0	11	85		86	0	43	80	
	1202	0	09	60						
	1201	0	27	90						

[फा. सं. आर-31015/5/97-ओआर. II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 3rd June, 1997

S.O. 1672 . Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri A. V. Kalaria, Competent authority, Bharat Oman Refineries Limited, Central India Refinery Project, B-5, Hirak Centre, Nehru Park, Vastrapur, Ahmedabad-380015 Gujarat;

Schedule

Taluka: Limbdi District: Surendranagar State: Gujarat		Area		
Name of Village	Survey/Block Number	Hectare	Are	Centare
(1)	(2)	(4)	(5)	(6)
Raska	421 Paiki Cattle field	1	28	02
	39/1	0	16	02
	38	0	28	05
	37 Paiki	0	44	10
	35	0	44	40
	Drain	0	12	00
	16 Paiki	0	22	05
	15 Paiki	0	37	50
	Cart track	0	14	25
	14 Paiki	0	16	20

(1)	(2)	(4)	(5)	(6)
	14 Paiki	0	33	30
	13 Paiki	0	41	40
	Cart track	0	09	60
	12	0	45	08
	11	0	08	00
	Railway	0	02	10
	138	0	01	26
	236	0	25	69
	235 Paiki	0	13	22
	235 Paiki	0	00	41
	238	0	36	98
	239	0	52	80
	243 Paiki	0	25	20
	243 Paiki	0	12	15
	244	0	27	51
	242	0	63	09
Limbdi	586/2	0	07	12
	586/4	0	01	37
	586/3	0	48	56
	583	0	68	25
	582	0	39	33
Ankewalia	223	0	45	60
	224	0	20	70
	234	0	23	98
	233 Paiki	0	43	70
	238	0	39	49
	239	0	32	93
	242	0	05	34
	243 Paiki	0	63	90
	248	0	48	45
	479/5 Government	0	04	50
	253	0	39	15
	267	0	17	70
	268	0	19	35
	314/2	0	22	80
	314/1	0	17	85
	312 Paiki	0	07	44
	313	0	64	95
	Nalla	0	12	68
	323	0	60	30
	325 Paiki	0	14	10
	325 Paiki	0	33	30
	325 Paiki	0	19	20

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	332	0	67	65		167	0	00	10
	Drain	0	06	75		168	0	03	29
	331 Paiki	0	74	70		169	0	08	96
Bhalgamda	Drain	0	05	40		170	0	24	30
	296 Paiki	0	17	00		172	0	00	12
	296 Paiki	0	17	00		171	0	25	65
	296 Paiki	0	17	00		174	0	15	00
	297	0	18	00		175	0	14	70
	298	0	15	32		176	0	45	15
	292	0	00	20		177	0	39	12
	299	0	17	16		Nalla	0	07	20
	289	0	46	85		35	0	02	20
	300	0	05	93		34	0	18	45
	302	0	00	65		33	0	08	85
	288	0	17	85		32	0	09	45
	287	0	15	45		31	0	14	70
	286	0	15	90		6 Paiki	0	21	15
	285 Paiki	0	08	40		7	0	24	30
	285 Paiki	0	08	40		8	0	41	20
	284	0	38	15		9	0	06	93
	283	0	24	45		Road	0	11	40
	282	0	15	30		1227	0	32	80
	281	0	13	80		1228	0	35	10
	280	0	37	65		1233/1	0	13	95
	279	0	14	55		1229	0	10	05
	278 Paiki	0	19	02		1230	0	16	80
	278 Paiki	0	19	03		1187	0	32	10
	277	0	10	80		1188	0	25	65
	276	0	10	05		Cart track	0	01	80
	275	0	14	40		1171	0	02	96
	Drain	0	07	95		1169	0	27	47
	Road	0	05	40		1172	0	01	40
	272	0	54	89		1167	0	33	00
	Nalla	0	12	64		1170	0	26	85
	158 Paiki	0	04	50		1160	0	22	80
	158 Paiki	0	11	10		1161	0	27	25
	157	0	27	56		1162	0	18	00
	156	0	12	65		Drain	0	08	76
	155	0	00	42		1118	0	32	40
	159	0	08	55		1122	0	04	83
	160	0	11	40		1119	0	34	27
	161	0	19	80		1120	0	08	10
	162	0	31	40		Drain	0	04	70

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	1116 Paiki	0	00	57		Cart track	0	09	00
	1102	0	51	36		212/1	0	41	70
	1101	0	12	90		214	0	27	60
	1100	0	45	12		216 Paiki	0	32	10
	1103 Paiki	0	09	66		217/2	0	25	20
	1103 Paiki	0	12	30		217/4	0	20	40
	1098 Paiki	0	30	75		Nalla	0	04	35
	1097	0	09	15		191/1 Paiki	1	12	35
	1096	0	13	80		Nalla	0	04	80
	1095	0	19	20		147 Paiki	0	64	05
	1091	0	15	30		148/1	0	08	40
	1090	0	14	55		149	0	16	80
	1089	0	27	45		150	0	37	80
	1086	0	12	32		140 Panchayat	0	53	78
	1085	0	10	66		152 Paiki	0	00	36
	1082	0	04	75		152 Paiki	0	00	76
Chorania	174	0	11	52	Katariya	338	0	98	53
	173	0	10	40		341 Government	0	02	30
	172	0	17	00		339	0	72	60
	170	0	10	50		305	0	00	63
	169	0	07	20		304	0	26	53
	168	0	07	50		303/Paiki	0	21	60
	165	0	31	50		303/Paiki	0	39	60
	164 Paiki	0	33	60		303/Paiki	0	42	00
	164 Paiki	0	31	50		302/1 Paiki	0	49	27
	159 Paiki	0	33	90		300 Government	0	55	44
	158	0	07	80		299	0	59	05
	157	0	13	35		298 Paiki	0	30	00
	156 Paiki	0	50	70		298 Paiki	0	21	30
	Cart track	0	04	80		297 Cattle field	0	65	70
	87	0	44	07		412 Kharaba	1	52	39
	86	0	29	46		184 Paiki	0	28	05
	88 Paiki	0	22	50		185 Paiki	0	30	90
	88 Paiki	0	23	70		187 Paiki	0	35	40
	65	0	41	64		189	0	66	12
	64 Paiki	0	78	82		Road	0	04	98
	63	0	05	21		176 Paiki	0	24	15
	63	0	05	06		190	0	00	90
Jakhan	258/1/1	0	12	30		175 Paiki	0	23	40
	258/1/2	0	13	20		174 Paiki	0	23	40
	257	0	23	40		173/2	0	21	90
	255	0	25	50		172	0	21	75
	254	0	58	80		171 Paiki	0	21	90

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	170	0	10	50		74	0	32	16
	169	0	12	00		79 Paiki	0	24	01
	168 Paiki	0	31	95		79 Paiki	0	24	01
	165	0	23	25		75/2	0	18	98
	164 Paiki	0	07	95		78/2	0	10	61
	164 Paiki	0	07	95		76 Paiki	0	04	79
	164 Paiki	0	07	95		77	0	09	58
	162 Paiki	0	22	20		78/1	0	23	03
	163 Paiki	0	23	70		65/2	0	41	28
	161 Paiki	0	23	10		65/1	0	00	10
	160 Paiki	0	19	20		Road	0	02	80
	152	0	45	15		90/2	0	30	75
	151 Paiki	1	06	65		91/1	0	42	00
Tokrala	288 Paiki	0	48	57		91/2	0	19	40
	286	0	02	20		89/1	0	00	93
	287	0	16	50		92	0	27	00
	293	0	17	25		93/1	0	29	33
	292	0	16	50		93/2	0	04	37
	290/1	0	32	55		Road	0	17	10
	300	0	26	10		134/1	0	08	70
	301	0	24	90		104	0	36	60
	302/1	0	36	15		103 Paiki	0	37	85
	302/2	0	46	92		103 Paiki	0	01	00
	Road	0	08	80	Pansina	1774	0	27	75
	11	0	35	72		1773	0	23	40
	Road	0	04	95		1772	0	41	40
	22	0	20	70		1771 Paiki	0	14	10
	24	0	72	96		1770	0	22	35
	9/1	0	43	35		1769	0	30	60
	Cart track	0	07	75		1768	0	28	80
	41/1	0	24	83		1766	0	00	16
	41/2	0	05	22	Ralol	730 Government	0	52	35
	41/3	0	23	21		731	0	63	00
	40	0	22	40		734	0	02	01
	41/4	0	09	75		732/2	0	00	10
	45/2	0	26	85		733	0	52	95
	43/3	0	14	73		736	0	75	83
	45/1	0	06	93		737	0	22	89
	44	0	03	50		744 Paiki	0	11	50
	43/4	0	08	54		744 Paiki	0	13	43
	43/5	0	26	10		738	0	13	62
	Road	0	05	25		742	0	04	05
	73/1 Paiki	0	39	90		743	0	22	43

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	Cart track	0	14	10		1200 Paiki	0	07	38
	778/2	0	75	30		1200 Paiki	0	16	50
	823	0	45	45		1200 Paiki	0	15	00
	824	0	55	39		1199	0	01	30
	825/1	0	33	35		1163	0	68	50
	825/2	0	33	36		1164	0	14	68
	Nalla	0	04	80		1165	0	06	23
	918/1 Paiki	0	43	05		1158	0	65	88
	917	0	28	35		1157	0	10	54
	916	0	25	65		1156	0	28	65
	915	0	23	14		1152	0	15	90
	914	0	01	88		1153	0	15	75
	913	0	44	65		1147/2	0	33	60
	Cart track	0	03	00		1142	0	61	05
	964	0	46	82	Ghanshyampur	115	0	68	55
	970	0	14	97		116	0	47	25
	971	0	43	10		Government Kharaba	0	25	50
	969	0	02	91		117	0	00	45
	972 Government	0	75	47		130	0	00	81
	973	0	01	50		131	0	61	50
	978/1	0	46	95		132	0	60	60
	Drain	0	24	70		137	0	62	25
	1027/1	0	06	92		138	0	27	15
	1027/2	0	52	62		139	0	37	35
	1028 Paiki	0	39	75		148	0	65	40
	1025/1 Government	}	0	52	67	149	0	61	80
	1025/2 Government					156	0	41	40
	1026	0	15	21		155	0	18	75
	1051	0	20	25		158	0	70	20
	1050 Government	0	28	55		163	0	55	20
	1929	0	15	15		167	0	07	48
	1930 Government	0	32	30		166	0	52	10
	1054	0	24	30		169	0	01	30
	Padtar	0	83	16		168	0	63	00
	1240	0	38	40		171	0	63	00
	1239	0	30	30		173	0	59	88
	1238	0	04	08		174/1	0	00	72
	1237	1	33	89	Janshali	Cart track	0	03	35
	1235	0	47	70		91	0	32	10
	1233	0	22	80		88	0	45	60
	1203	0	11	85		86	0	43	80
	1202	0	09	60					
	1201	0	27	90					

[File No. R-31015/5/97-OR II]

K C Katoch, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, तारीख 9 जून 1997.

का.आ. 1673 .- केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियमके परिवहन के लिये भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबन्ध में आक्षेप लिखित रूप में श्री डी. एच. रविया सक्षम प्राधिकारी, भारत ओमान रीफाइनरीज लिमिटेड, सेंट्रल इंडिया रीफाइनरी परियोजना, अब्बासी चेम्बर्स, दुसरी मंझील, पंजाब नेशनल बैंक के पास, राजकोट 36 0001 गुजरात को कर सकेगा ;

अनुसूची

तालुका:वांकानेर	जिला: राजकोट	राज्य: गुजरात	(1)	(2)	(3)	(4)	(5)
गांव का सर्वेक्षण सं./		क्षेत्र					
नाम	खंड सं.	हेक्टर आरे सेन्टी आरे					
कोट डा	674 सरकारी जमीन	0	19	50			
नायानी							

(1)	(2)	(3)	(4)	(5)
	काट ट्रेक	0	01	80
	554	0	65	10
	553	0	03	60
	नाला	0	08	10
	541 पैकी सरकारी जमीन	0	28	50
	540/1	0	22	50
	540/2	0	41	70
	541/पैकी	0	00	90
	541/पैकी	0	14	25
	541/पैकी	0	13	05
	541/पैकी	0	01	95
	541/पैकी	0	27	60
	541/पैकी	0	25	20
	525/1	0	19	05
	525/2	}	0	53
	525/2			
	525/2	}	0	39
	524			
	523/1	0	21	37
	523/2	0	00	14
	674 सरकारी जमीन	0	24	00
	674 सरकारी जमीन	0	35	55
	674 सरकारी जमीन	0	43	80
वालासण	काट ट्रेक	0	03	58
	84 पैकी	0	04	19
	84 पैकी	0	23	74
	119/1 पैकी गोचर	0	35	81
	133 पैकी	0	45	53
	133 पैकी	0	36	75
	119/1 पैकी गोचर	0	19	13
	रोड	0	09	00
	119/1 पैकी गोचर	0	02	85
	138/1 पैकी	0	60	31
	119/1 पैकी	0	15	00
	147 पैकी	0	36	04
	147 पैकी	0	10	46
	147 पैकी	0	03	30
	148 पैकी	0	47	42
	119/1 पैकी गोचर	0	06	53
	151/2 पैकी	0	08	64
	151/2 पैकी	0	35	31
	151/2 पैकी	0	08	00
	152/2 पैकी	0	33	82

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	154/2	0	23	10		65	0	20	37
	154/1 पैकी	0	13	20		64	0	38	67
	155/1 पैकी	0	02	76		52 पैकी	0	07	78
	155/1 पैकी	0	51	48		61 पैकी	0	17	70
	155/2	0	26	40		733/1 पैकी सरकारी	0	10	37
पीपलीया	259/1 पैकी	0	20	66		जमीन			
राज						काट ट्रेक	0	02	40
	259/1 पैकी	0	04	84		83/6	0	57	80
	259/1 पैकी	0	13	50		733/1 पैकी गोचर	1	08	17
	259/1 पैकी	0	22	46		नाला	0	03	60
	259/2 पैकी	0	03	54		नाला	0	03	60
	काट ट्रेक	0	04	41		719 पैकी	0	02	80
	261/1	0	42	60		719 पैकी सरकारी	0	20	25
	261/2 पैकी	0	23	10		जमीन			
	261/2 पैकी	0	25	80		719 पैकी	0	48	90
	263 पैकी	0	37	73		717/1 पैकी	0	11	85
	263 पैकी	0	37	35		717/1 पैकी	0	09	00
	264	0	36	60		717/1 पैकी	0	33	00
	काट ट्रेक	0	07	20		717/1 पैकी	0	13	75
	270 पैकी	0	00	07		717/1 पैकी	0	27	00
	266/3	0	26	18		717/1 पैकी	0	02	80
	266/2	0	29	55		714/4	0	05	61
	265/1	0	21	30		काट ट्रेक	0	13	32
	265/2	0	19	58		712 पैकी	0	17	70
	290/1 पैकी	0	22	95		712 पैकी	0	27	00
	290/1 पैकी	0	00	75		711 पैकी	0	38	20
	290/2 पैकी	0	11	18		711 पैकी	0	36	80
	290/2 पैकी	0	11	17		733/i पैकी सरकारी	0	00	45
	291/1 पैकी	0	15	45		जमीन			
	291/1 पैकी	0	13	50		733/1 पैकी सरकारी	0	28	20
	292 पैकी	0	11	21		जमीन			
	292 पैकी	0	11	22		709	0	27	30
	293/1	0	29	70		733/1 पैकी गोचर	0	00	75
	293/2	0	25	43		708/1	0	24	97
	नाला	0	10	27		708/3	0	23	10
	733/1 पैकी	0	35	70		733/1 पैकी गोचर	0	69	24
	67/1	0	37	01		733/1/पैकी गोचर	0	00	66
	733/1 पैकी सरकारी	0	03	15	प्रतापगढ़	68 सरकारी जमीन	0	08	70
	जमीन					75 पैकी	0	28	64
	नाला	0	04	10		75 पैकी	0	19	50
	काट ट्रेक	0	05	80		76/2 पैकी	0	03	29
	63 पैकी	0	22	70		76/3	0	33	19
	733/1 पैकी सरकारी	0	40	63		78/2	0	30	14
	जमीन					79/1 पैकी	0	19	80

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	79/2 पैकी	0	17	82		रोड	0	06	83
	66 पैकी	0	23	53		415	0	19	50
	66 पैकी	0	17	70		416	0	11	40
	65 पैकी	0	24	20		417	0	13	13
	51 सरकारी जमीन	0	33	64		418	0	16	05
	52	0	34	41		419/2	0	32	85
	62 पैकी	0	37	41		430	0	23	85
	रोड	0	06	72		429	0	13	05
	55/2 पैकी	0	16	47		428	0	10	80
	16 पैकी	0	16	63		427 पैकी	0	10	35
	16 पैकी	0	20	69		रेलवे	0	17	70
	16 पैकी	0	32	10		446/1 पैकी	0	11	10
	16 पैकी	0	30	03		नहेर	0	05	70
	56 पैकी	0	73	20		रोड	0	08	85
	17 पैकी	0	37	50		547	0	37	80
	17 पैकी	0	64	42		548 पैकी	0	28	17
सीधावदर	186 पैकी गोचर	0	00	87		569 पैकी सरकारी	0	06	30
	80/1	0	36	65		जमीन			
	186 पैकी गोचर	0	11	70		565	0	12	84
	73/1	0	00	99		कार्टट्रैक	0	09	62
	73/2	0	05	92		564	0	07	15
	79 पैकी	0	20	34		563	0	17	74
	77/1	0	64	78		562	0	14	70
	नहेर	0	05	85		561	0	27	30
	रोड	0	01	35		560/1	0	27	30
	77/1 पैकी	0	23	85		555	0	24	30
	77/2	0	02	03		556	0	28	50
	75 सरकारी जमीन	0	47	40		554 पैकी	0	33	40
	नाला	0	14	10		नाला	0	32	29
	कार्टट्रैक	0	01	65		594 पैकी	0	01	92
	186 पैकी सरकारी	0	07	50		594 पैकी	0	06	12
	143	0	06	25		594 पैकी	0	22	68
	45/1	0	65	73		595/पैकी	0	07	50
	145/1	0	47	10		595/पैकी	0	07	65
	145/2 पैकी	0	19	25		596	0	17	10
	186 पैकी सरकारी	0	16	05		597	0	16	65
	186 पैकी सरकारी	0	10	05		598	0	39	00
	कार्टट्रैक	0	11	05		186 पैकी सरकारी	0	66	45
	165	0	35	16		जमीन			
	186 पैकी सरकारी	0	27	36		609	0	27	98
	164	0	00	58		610/3 सरकारी	0	15	60
	163/1	0	19	01		610/1	0	01	96
	163/2	0	30	90		रोड	0	06	00
	नदी	0	33	15		नहेर	0	01	80

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	617	0	05	06		238/1 पैकी	0	26	30
	616	0	28	16		238/1 पैकी	0	21	92
	615 पैकी	0	24	64		240/1	0	13	27
	615 पैकी	0	61	35		240/3	0	07	80
	615 पैकी	0	38	15		240/4	0	22	65
	नाला	0	14	67		नहेर	0	08	70
	671	0	04	88		रोड	0	03	00
	672	0	38	58		240/5	0	05	55
	675	0	79	95		240/6	0	21	90
	676	0	32	25		241/1	0	23	77
	422	0	25	95		243/2	0	31	04
	423	0	04	80		247	0	30	29
	424	0	23	76		248/2 पैकी	0	18	15
	425	0	32	08		248/2 पैकी	0	19	72
	426	0	16	88		काट ट्रेक	0	03	96
	919	0	12	00		249/1 पैकी	0	22	76
	546	0	36	00		249/1 पैकी	0	21	00
भोजपरा	काट ट्रेक	0	04	40		249/2	0	31	23
	67/1 पैकी सरकारी जमीन	0	37	08		251/4	0	02	36
	33/1	0	38	13		नाला	0	05	55
	नाला	0	12	53		270	0	33	22
	34/1	0	36	15		269	0	39	15
	34/2	0	53	11		267/1 पैकी	0	10	10
	67/1 पैकी सरकारी जमीन	0	00	90		267/1 पैकी	0	00	18
	35/1	0	43	35		267/2	0	52	11
	35/2	0	15	60		नाला	0	06	30
	67/1 पैकी सरकारी जमीन	0	12	60		265	0	11	47
	36/1	0	10	92		काट ट्रेक	0	03	30
	36/2	0	06	46		308	0	46	34
	67/1 पैकी सरकारी जमीन	3	93	95		307/1	0	03	31
	नाला	0	05	85		306/1	0	13	63
	नाला	0	03	90		306/2	0	29	88
	काट ट्रेक	0	05	97		305/1	0	23	10
	काट ट्रेक	0	03	60		305/2 पैकी	0	11	92
	काट ट्रेक	0	01	05		305/2 पैकी	0	33	15
	नाला	0	08	25		305/2 पैकी	0	09	52
	44/1	0	00	04		काट ट्रेक	0	02	10
राजावड ला	237	0	25	90		291 पैकी	0	25	35
	नाला	0	03	15		291 पैकी	0	10	56
	238/1 पैकी	0	08	20		नाला	0	07	12
						38 पैकी	0	41	55
						40/1	0	24	15
						काट ट्रेक	0	02	77
						86/1	0	10	50

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	66/2	0	10	85		168/2	0	15	30
	66/3	0	05	11		काटट्रक	0	03	45
	65 पैकी	0	38	99		161/2	0	39	16
	65 पैकी	0	37	80		161/1	0	00	45
	नहेर	0	05	40		163/1	0	32	13
	77/1 पैकी	0	14	26		162 पैकी	0	02	10
	77/1 पैकी	0	09	36		163/2	0	20	99
	77/2 पैकी	0	14	10		147	0	18	73
	78/1	0	23	47		145	0	13	14
	79/1 पैकी	0	27	22		रोड	0	01	80
	79/2 पैकी	0	22	27		नहेर	0	04	20
	80/2 पैकी	0	25	27		143	0	07	65
	80/1	0	08	07		65 पैकी गोचर	0	01	20
	90/1	0	16	31	केगला	रोड	0	07	20
	90/2	0	51	60		90	0	00	30
	84/1	0	50	63		91/5	0	12	68
	85	0	08	63		91/3	0	37	21
	349 गोचर	0	06	00		नहेर	0	00	60
	नाला	0	04	27		97 पैकी	0	20	85
	91/3	0	00	20		106 पैकी	0	59	95
	काटट्रक	0	04	42		107/1	0	15	90
लालपर	65/पैकी सरकारी	0	03	51		107/2 /पैकी	0	18	60
	जमीन					108/पैकी	0	51	48
	56/पैकी	0	18	04		108/पैकी	0	01	17
	56/पैकी	0	08	30		नाला	0	14	92
	58/1	0	21	36		125 पैकी	0	30	15
	58/2	0	23	00		125 पैकी			
	65/पैकी गोचर	0	39	2		124 पैकी	0	11	00
	नाला	0	04	65		124 पैकी	0	11	05
	65/पैकी गोचर	0	21	90		126	0	42	39
	नाला	0	04	65		रोड	0	03	00
	65/पैकी गोचर	0	13	80		139/1 पैकी	0	12	92
	172/1	0	27	83		139/2	0	38	30
	65/पैकी	0	00	44		139/3	0	00	26
	67/1	0	17	47		147 पैकी	0	01	56
	74/1	0	53	01		140/2 पैकी	0	12	65
	74/2	0	29	70		140/1	0	80	99
	76/1 पैकी	0	03	37		136 पैकी	0	25	05
	75/1	0	15	12		136 पैकी	0	29	70
	75/2	0	06	19		135 पैकी गोचर	0	01	50
	रोड	0	13	50		135 पैकी गोचर	0	28	06
	169/1	0	24	39		135 पैकी गोचर	0	15	40
	169/3	0	13	42		नाला	0	12	58
	168/1	0	15	00	रसीकगढ	नाला	0	09	07

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	काट ट्रेक	0	03	15		89 पैकी	0	09	00
	114 गोचर	0	05	94		89 पैकी	0	17	10
	118/1	0	02	48		90 पैकी	0	16	50
	118/2	0	18	01		90 पैकी	0	10	07
	118/3	0	12	25		91 पैकी	0	19	48
	138 पैकी सरकारी जमीन	0	15	95		91 पैकी	0	29	70
	123 पैकी	0	23	41		92/2 पैकी	0	10	80
	124 पैकी	0	12	82		92/2 पैकी	0	13	50
	नहेर	0	14	32		94	0	07	87
	122/4	0	28	35		95 गोचर	0	07	94
	124 पैकी	0	09	94	दीघलीया	96/2	0	22	50
	138 पैकी सरकारी जमीन	0	07	87		235/1 पैकी सरकारी जमीन	0	52	11
	काट ट्रेक	0	01	65		83	0	15	03
	138 पैकी सरकारी जमीन	0	11	55		काट ट्रेक	0	02	29
	नदी	0	15	00		76 पैकी	0	07	15
पाज	नदी	0	30	60		67 पैकी	0	39	21
	30/2	0	18	44		66/1 पैकी	0	19	95
	30/3	0	22	55		66/1 पैकी	0	19	95
	30/3	0	08	17		66/2	0	09	00
	नदी	0	17	70		68 पैकी	0	37	80
	31 पैकी	1	09	71		68 पैकी	0	06	96
	35 पैकी	0	01	66		68 पैकी	0	03	20
	34	0	05	13		65	0	01	68
	39 गोचर	0	09	63		नाला	0	08	35
	नदी	0	20	93		64 पैकी	0	11	55
	84 गोचर	0	24	72		64 पैकी	0	17	20
	83 पैकी	0	18	83		63 पैकी	0	44	43
	82/1	0	31	48		63 पैकी	0	06	20
	82/2	0	11	02		62/1	0	25	35
	82/3 पैकी	0	27	97		61/1	0	11	85
	81/3	0	24	00		61/2	0	13	80
	81/1	0	09	60		60	0	16	80
	81/2	0	11	10		55/1	0	38	40
	79 पैकी	0	20	93		54 पैकी सरकारी जमीन	0	06	15
	78/2	0	12	83		नाला	0	00	90
	86 पैकी	0	02	94		54 पैकी सरकारी जमीन	0	21	75
	85/2	0	15	66		रोड	0	06	60
	87/1	0	32	55		53/2	0	20	85
	88/1	0	23	85		53/1	0	36	50
	89 पैकी	0	09	00		सरकारी खराबा	0	09	38
					सेखरडी	19/1 पैकी सरकारी जमीन	0	20	85

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	नाला	0	09	00		105/3	0	13	27
	19/1 पैकी सरकारी जमीन	0	43	20		104	0	30	90
	नाला	0	09	00		103 पैकी	0	07	00
	19/1 पैकी सरकारी जमीन	0	07	80		103 पैकी	0	25	40
	काटट्रेक	0	03	08		नाला	0	19	89
	19/1 पैकी सरकारी जमीन	0	29	02		काटट्रेक	0	05	47
	19/1 पैकी	0	41	77		283/पैकी सरकारी जमीन	0	17	14
	43/2	0	25	35		काटट्रेक	0	15	08
	42/1	0	32	63		283/1 पैकी	0	29	70
	42/2	0	00	07		283/पैकी सरकारी जमीन	0	39	90
	41/3 सरकारी जमीन	0	05	58		283/पैकी जंगल	0	43	05
	41/2	0	19	84		283/पैकी जंगल	0	11	77
	41/1	0	24	94		283/पैकी सरकारी जमीन	0	24	60
	39	0	44	10		काटट्रेक	0	30	23
	38/1 पैकी	0	12	70		91/2	0	20	81
	38/1 पैकी	0	46	10		283/पैकी सरकारी जमीन	0	21	39
	नाला	0	11	70	कासीपर	काटट्रेक	0	03	97
	19/1 पैकी सरकारी जमीन	0	07	33		46/1	0	26	40
	काटट्रेक	0	01	12		46/2	0	22	35
	47/3	0	31	34		46/3	0	20	85
	47/2	0	18	00		46/4	0	36	07
	47/1 पैकी	0	24	00		45 पैकी	0	03	25
	47/1 पैकी	0	21	60		47	0	59	43
दलडी	141 सरकारी जमीन	0	37	87		48	0	42	97
	142/2 पैकी	0	04	35		रोड	0	07	42
	144/1	0	08	09		56 पैकी	0	28	72
	144/2 सरकारी जमीन	0	03	92		57	0	59	25
	283/पैकी सरकारी जमीन	0	50	01		58	0	42	80
	283/पैकी सरकारी जमीन	0	29	99		काटट्रेक	0	04	82
	138/1 पैकी	0	16	29		60	0	01	60
	138/2	0	03	28		59 पैकी	0	18	70
	105/1	0	05	86		59 पैकी	0	20	17
	105/2	0	18	25		काटट्रेक	0	01	80

[फा. सं. आर - 31015/7/97-ओ आर, II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas

SCHEDULE

New Delhi, the 9 JUNE, 1997

S.O. 1673 - Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri D. H. Raviya, competent authority of Central India Refinery Project of Bharat Oman Refineries Limited, Abbasi Chambers, 2nd Floor Near Punjab National Bank, Rajkot, 360001 Gujarat;

Taluka : Wankaner District: Rajkot State: Gujarat					
Name of Village	Survey/Block Number	Area			
		Hec- tare	Are	Centare	
(1)	(2)	(4)	(5)	(6)	
Kotda Nayani	674 Government Land	0	19	50	
	Cart track	0	01	80	
	554	0	65	10	
	553	0	03	60	
	Nalla	0	08	10	
	541 Paiki	0	28	50	
	Government Land				
	540/1	0	22	50	
	540/2	0	41	70	
	541/Paiki	0	00	90	
	541/Paiki	0	14	25	
	541/Paiki	0	13	05	
	541/Paiki	0	01	95	
	541/Paiki	0	27	60	
	541/Paiki	0	25	20	
	525/1	0	19	05	
	525/2	}	0	53	55
525/2					
525/2					
524	0	39	00		
523/1	0	21	37		
523/2	0	00	14		
674 Government Land	0	24	00		
674 Government Land	0	35	55		
674 Government Land	0	43	80		
Valasan	Cart track	0	03	58	
	84 Paiki	0	04	19	
	84 Paiki	0	23	74	
	119/1 Paiki Cattle field	0	35	81	
	133 Paiki	0	45	53	
	133 Paiki	0	36	75	
	119/1 Paiki Cattle field	0	19	13	
	Road	0	09	00	
	119/1 Paiki Cattle field	0	02	85	
	138/1 Paiki	0	60	31	
119/1 Paiki	0	15	00		

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	147 Paiki	0	36	04		733/1 Paiki	0	35	70
	147 Paiki	0	10	46		67/1	0	37	01
	147 Paiki	0	03	30		733/1 Paiki	0	03	15
	148 Paiki	0	47	42		Government Land			
	119/1 Paiki Cattle filed	0	06	53		Nalla	0	04	10
	151/2 Paiki	0	08	64		Cart track	0	05	80
	151/2 Paiki	0	35	31		63 Paiki	0	22	70
	151/2 Paiki	0	08	00		733/1 Paiki	0	40	63
	152/2 Paiki	0	33	82		Government Land			
	154/2	0	23	10		65	0	20	37
	154/1 Paiki	0	13	20		64	0	38	67
	155/1 Paiki	0	02	76		52 Paiki	0	07	78
	155/1 Paiki	0	51	48		61 Paiki	0	17	70
	155/2	0	26	40		733/1 Paiki	0	10	37
Pipaliya Raj	259/1 Paiki	0	20	66		Government Land			
	259/1 Paiki	0	04	84		Cart track	0	02	40
	259/1 Paiki	0	13	50		83/6	0	57	80
	259/1 Paiki	0	22	46		733/1 Paiki Cattle filed	1	08	17
	259/2 Paiki	0	03	54		Nalla	0	03	60
	Cart track	0	04	41		Nalla	0	03	60
	261/1	0	42	60		719 Paiki	0	02	80
	261/2 Paiki	0	23	10		719 Paiki	0	20	25
	261/2 Paiki	0	25	80		Government Land			
	263 Paiki	0	37	73		719 Paiki	0	48	90
	263 Paiki	0	37	35		717/1 Paiki	0	11	85
	264	0	36	60		717/1 Paiki	0	09	00
	Cart track	0	07	20		717/1 Paiki	0	33	00
	270 Paiki	0	00	07		717/1 Paiki	0	13	75
	266/3	0	26	18		717/1 Paiki	0	27	00
	266/2	0	29	55		717/1 Paiki	0	02	80
	265/1	0	21	30		714/4	0	05	61
	265/2	0	19	58		Cart track	0	13	32
	290/1 Paiki	0	22	95		712 Paiki	0	17	70
	290/1 Paiki	0	00	75		712 Paiki	0	27	00
	290/2 Paiki	0	11	18		711 Paiki	0	38	20
	290/2 Paiki	0	11	17		711 Paiki	0	36	80
	291/1 Paiki	0	15	45		733/1 Paiki	0	00	45
	291/1 Paiki	0	13	50		Government Land			
	292 Paiki	0	11	21		733/1 Paiki	0	28	20
	292 Paiki	0	11	22		Government Land			
	293/1	0	29	70		709	0	27	30
	293/2	0	25	43		733/1 Paiki Cattle field	0	00	75
	Nalla	0	10	27		708/1	0	24	97
						708/3	0	23	10

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
Pratapgad	733/1 Paiki Cattle field	0	69	24	186 Paiki Government	0	07	50	
	733/1/Paiki Cattle field	0	00	66	143	0	06	25	
	68 Government Land	0	08	70	45/1	0	65	73	
	75 Paiki	0	28	64	145/1	0	47	10	
	75 Paiki	0	19	50	145/2 Paiki	0	19	25	
	76/2 Paiki	0	03	29	186 Paiki Government	0	16	05	
	76/3	0	33	19	186 Paiki Government	0	10	05	
	78/2	0	30	14	Cart track	0	11	05	
	79/1 Paiki	0	19	80	165	0	35	16	
	79/2 Paiki	0	17	82	186 Paiki Government	0	27	36	
	66 Paiki	0	23	53	164	0	00	58	
	66 Paiki	0	17	70	163/1	0	19	01	
	65 Paiki	0	24	20	163/2	0	30	90	
	51 Government Land	0	33	64	River	0	33	15	
	52	0	34	41	Road	0	06	83	
	62 Paiki	0	37	41	415	0	19	50	
	Road	0	06	72	416	0	11	40	
	55/2 Paiki	0	16	47	417	0	13	13	
	16 Paiki	0	16	63	418	0	16	05	
	16 Paiki	0	20	69	419/2	0	32	85	
16 Paiki	0	32	10	430	0	23	85		
16 Paiki	0	30	03	429	0	13	05		
56 Paiki	0	73	20	428	0	10	80		
17 Paiki	0	37	50	427 Paiki	0	10	35		
17 Paiki	0	64	42	Railway	0	17	70		
Sindhavadar	186 Paiki Cattle field	0	00	87	446/1 Paiki	0	11	10	
	80/1	0	36	65	Canal	0	05	70	
	186 Paiki Cattle field	0	11	70	Road	0	08	85	
	73/1	0	00	99	547	0	37	80	
	73/2	0	05	92	548 Paiki	0	28	17	
	79 Paiki	0	20	34	569 Paiki	0	06	30	
	77/1	0	64	78	Government Land				
	Canal	0	05	85	565	0	12	84	
	Road	0	01	35	Cart track	0	09	62	
	77/1 Paiki	0	23	85	564	0	07	15	
	77/2	0	02	03	563	0	17	74	
	75 Government Land	0	47	40	562	0	14	70	
	Nalla	0	14	10	561	0	27	30	
	Cart track	0	01	65	560/1	0	27	30	
					555	0	24	30	
					556	0	28	50	
					554 Paiki	0	33	40	

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	Nalla	0	32	29		67/1 Paiki	0	12	60
	594 Paiki	0	01	92		Government Land			
	594 Paiki	0	06	12		36/1	0	10	92
	594 Paiki	0	22	68		36/2	0	06	45
	595/Paiki	0	07	50		67/1 Paiki	3	93	95
	595/Paiki	0	07	65		Government Land			
	596	0	17	10		Nalla	0	05	85
	597	0	16	65		Nalla	0	03	90
	598	0	39	00		Cart track	0	05	97
	186 Paiki	0	66	45		Cart track	0	03	69
	Government Land					Cart track	0	01	05
	609	0	27	98		Nalla	0	08	25
	610/3	0	15	60		44/1	0	00	04
	Government				Rajavadla	237	0	25	90
	610/1	0	01	96		Nalla	0	03	15
	Road	0	06	00		238/1 Paiki	0	08	20
	Canal	0	01	80		238/1 Paiki	0	26	30
	617	0	05	06		238/1 Paiki	0	21	92
	616	0	28	16		240/1	0	13	27
	615 Paiki	0	24	64		240/3	0	07	80
	615 Paiki	0	61	35		240/4	0	22	65
	615 Paiki	0	38	15		Canal	0	08	70
	Nalla	0	14	67		Road	0	03	00
	671	0	04	88		240/5	0	05	55
	672	0	38	58		240/6	0	21	90
	675	0	79	95		241/1	0	23	77
	676	0	32	25		243/2	0	31	04
	422	0	25	95		247	0	30	29
	423	0	04	80		248/2 Paiki	0	18	15
	424	0	23	76		248/2 Paiki	0	19	72
	425	0	32	08		Cart track	0	03	96
	426	0	16	88		249/1 Paiki	0	22	76
	919	0	12	00		249/1 Paiki	0	21	00
	546	0	36	00		249/2	0	31	23
Bhojpara	Cart track	0	04	40		251/4	0	02	36
	67/1 Paiki	0	37	08		Nalla	0	05	55
	Government Land					270	0	33	22
	33/1	0	38	13		269	0	39	15
	Nalla	0	12	53		267/1 Paiki	0	10	10
	34/1	0	36	15		267/1 Paiki	0	00	18
	34/2	0	53	11		267/2	0	52	11
	67/1 Paiki	0	00	90		Nalla	0	06	30
	Government Land					265	0	11	47
	35/1	0	43	35		Cart track	0	03	30
	35/2	0	15	60		308	0	46	34

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	307/1	0	03	31		Nalla	0	04	65
	306/1	0	13	63		65/Paiki Cattle field	0	21	90
	306/2	0	29	88		Nalla	0	04	65
	305/1	0	23	10		65/Paiki Cattle field	0	13	80
	305/2 Paiki	0	11	92		172/1	0	27	83
	305/2 Paiki	0	33	15		65/Paiki	0	00	44
	305/2 Paiki	0	09	52		67/1	0	17	47
	Cart track	0	02	10		74/1	0	53	01
	291 Paiki	0	25	35		74/2	0	29	70
	291 Paiki	0	10	56		76/1 Paiki	0	03	37
	Nalla	0	07	12		75/1	0	15	12
	38 Paiki	0	41	55		75/2	0	06	19
	40/1	0	24	15		Road	0	13	50
	Cart track	0	02	77		169/1	0	24	39
	66/1	0	10	50		169/3	0	13	42
	66/2	0	10	85		168/1	0	15	00
	66/3	0	05	11		168/2	0	15	30
	65 Paiki	0	38	99		Cart track	0	03	45
	65 Paiki	0	37	80		161/2	0	39	16
	Canal	0	05	40		161/1	0	00	45
	77/1 Paiki	0	14	26		163/1	0	32	13
	77/1 Paiki	0	09	36		162 Paiki	0	02	10
	77/2 Paiki	0	14	10		163/2	0	20	99
	78/1	0	23	47		147	0	18	73
	79/1 Paiki	0	27	22		145	0	13	14
	79/2 Paiki	0	22	27		Road	0	01	80
	80/2 Paiki	0	25	27		Canal	0	04	20
	80/1	0	08	07		143	0	07	65
	90/1	0	16	31		65 Paiki Cattle field	0	01	20
	90/2	0	51	60		Road	0	07	20
	84/1	0	50	63	Kerala	90	0	00	30
	85	0	08	63		91/5	0	12	68
	349 Cattle field	0	06	00		91/3	0	37	21
	Nalla	0	04	27		Canal	0	00	60
	91/3	0	00	20		97 Paiki	0	20	85
	Cart track	0	04	42		106 Paiki	0	59	95
Lalpar	65/Paiki	0	03	51		107/1	0	15	90
	Government Land					107/2 /Paiki	0	18	60
	56/Paiki	0	18	04		108/Paiki	0	51	48
	56/Paiki	0	08	30		108/Paiki	0	01	17
	58/1	0	21	36		Nalla	0	14	92
	58/2	0	23	00		125 Paiki	0	30	15
	65/Paiki Cattle field	0	39	24		125 Paiki			

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	124 Paiki	0	11	00		River	0	20	93
	124 Paiki	0	11	05		84 Cattle field	0	24	72
	126	0	42	39		83 Paiki	0	18	83
	Road	0	03	00		82/1	0	31	48
	139/1 Paiki	0	12	92		82/2	0	11	02
	139/2	0	38	30		82/3 Paiki	0	27	97
	139/3	0	00	26		81/3	0	24	00
	147 Paiki	0	01	56		81/1	0	09	60
	140/2 Paiki	0	12	65		81/2	0	11	10
	140/1	0	80	99		79 Paiki	0	20	93
	136 Paiki	0	25	05		78/2	0	12	83
	136 Paiki	0	29	70		86 Paiki	0	02	94
	135 Paiki Cattle field	0	01	50		85/2	0	15	66
	135 Paiki Cattle field	0	28	06		87/1	0	32	55
	135 Paiki Cattle field	0	15	40		88/1	0	23	85
	Nalla	0	12	58		89 Paiki	0	09	00
Rasikgadh	Nalla	0	09	07		89 Paiki	0	09	00
	Cart track	0	03	15		89 Paiki	0	17	10
	114 Cattle field	0	05	94		90 Paiki	0	16	50
	118/1	0	02	48		90 Paiki	0	10	07
	118/2	0	18	01		91 Paiki	0	19	48
	118/3	0	12	25		91 Paiki	0	29	70
	138 Paiki	0	15	95		92/2 Paiki	0	10	80
	Government Land					92/2 Paiki	0	13	50
	123 Paiki	0	23	41		94	0	07	87
	124 Paiki	0	12	82		95 Cattle field	0	07	94
	Canal	0	14	32	Dighaliya	96/2	0	22	50
	122/4	0	28	35		235/1 Paiki	0	52	11
	124 Paiki	0	09	94		Government Land			
	138 Paiki	0	07	87		83	0	15	03
	Government Land					Cart track	0	02	29
	Cart track	0	01	65		76 Paiki	0	07	15
	138 Paiki	0	11	55		67 Paiki	0	39	21
	Government Land					66/1 Paiki	0	19	95
	River	0	15	00		66/1 Paiki	0	19	95
Paj	River	0	30	60		66/2	0	09	00
	30/2	0	18	44		68 Paiki	0	37	80
	30/3	0	22	55		68 Paiki	0	06	96
	30/3	0	08	17		68 Paiki	0	03	20
	River	0	17	70		65	0	01	68
	31 Paiki	1	09	71		Nalla	0	08	35
	35 Paiki	0	01	66		64 Paiki	0	11	55
	34	0	05	13		64 Paiki	0	17	20
	39 Cattle field	0	09	63		63 Paiki	0	44	43
						63 Paiki	0	06	20

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	62/1	0	25	35		144/2	0	03	92
	61/1	0	11	85		Government Land			
	61/2	0	13	80		283/Paiki	0	50	01
	60	0	16	80		Government Land			
	55/1	0	38	40		283/Paiki	0	29	99
	54 Paiki	0	06	15		Government Land			
	Government Land					138/1 Paiki	0	16	29
	Nalla	0	00	90		138/2	0	03	28
	54 Paiki	0	21	75		105/1	0	05	86
	Government Land					105/2	0	18	25
	Road	0	06	60		105/3	0	13	27
	53/2	0	20	85		104	0	30	90
	53/1	0	36	50		103 Paiki	0	07	00
	Government	0	09	38		103 Paiki	0	25	40
	Kharaba					Nalla	0	19	89
Sekhardi	19/1 Paiki	0	20	85		Cart track	0	05	47
	Government Land					283/Paiki	0	17	14
	Nalla	0	09	00		Government Land			
	19/1 Paiki	0	43	20		Cart track	0	15	08
	Government Land					283/1 Paiki	0	29	70
	Nalla	0	09	00		283/Paiki	0	39	90
	19/1 Paiki	0	07	80		Government Land			
	Government Land					283/Paiki Forest	0	43	05
	Cart track	0	03	08		283/Paiki Forest	0	11	77
	19/1 Paiki	0	29	02		283/Paiki	0	24	60
	Government Land					Government			
	19/1 Paiki	0	41	77		Cart track	0	30	23
	43/2	0	25	35		91/2	0	20	81
	42/1	0	32	63		283/Paiki	0	21	39
	42/2	0	00	07		Government			
	41/3 Government	0	05	58	Kasipar	Cart track	0	03	97
	Land					46/1	0	26	40
	41/2	0	19	84		46/2	0	22	35
	41/1	0	24	94		46/3	0	20	85
	39	0	44	10		46/4	0	36	07
	38/1 Paiki	0	12	70		45 Paiki	0	03	25
	38/1 Paiki	0	46	10		47	0	59	43
	Nalla	0	11	70		48	0	42	97
	19/1 Paiki	0	07	33		Road	0	07	42
	Government Land					56 Paiki	0	28	72
	Cart track	0	01	12		57	0	59	25
	47/3	0	31	34		58	0	42	80
	47/2	0	18	00		Cart Track	0	04	82
	47/1 Paiki	0	24	00		60	0	01	60
	47/1 Paiki	0	21	60		59 Paiki	0	18	70
	141 Government	0	37	87		59 Paiki	0	20	17
Daldi	Land					Cart track	0	01	80
	142/2 Paiki	0	04	35					
	144/1	0	08	09					

[File No. R-31015/7/97-OR.II]

K.C. Katoch, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, तारीख 16 जून, 1997

का.आ. 1674 .- केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिये "भारत ओमान रिफाइनरीज लिमिटेड" द्वारा पाइपलाइन बिछाई जानी चाहिये ;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,, उनमें उपयोग का अधिकार अर्जित करने का आशय घोषित करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 (इक्कीस) दिन के भीतर ,

उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के सम्बन्ध में आक्षेप लिखित रूप से श्री दीपक देशपांडे सक्षम प्राधिकारी, भारत ओमान रिफाइनरीज लिमिटेड, 31 वार्ड, जैन तख्तमल कॉलोनी, सिविल-लाईन मेन रोड, विदिशा-464001 (मध्य प्रदेश) को कर सकेगा।

अनुसूची

तहसील : झाबुआ	जिला : झाबुआ	राज्य : मध्यप्रदेश
गाँव का नाम	सर्वे क्रमांक	क्षेत्रफल हेक्टर / आरे
(1)	(2)	(3)
भीम फालिया	2	0.15
कालाखुट	167	0.07
	169	0.08
	170	0.26
	274/1	0.11
	275	0.06
	618	0.01
	644	0.07
	646	0.04
	649	0.21
	880	0.11
पिटोलकल्लो	16	0.02
	24	0.56
	26	0.04
	27	0.06
	29	0.09
	170	0.01
	171	0.02

(1)	(2)	(3)	(1)	(2)	(3)
	2062	0.34		324	0.02
खेड़ी	112	0.13	मोद	97	0.23
	113	0.15		99	0.12
	114	0.08		100	0.02
	115	0.15		101	0.12
	201	0.06		102	0.01
	204	0.12		115	0.14
	215	0.15		116	0.06
	216	0.35		117	0.13
	217	0.07		118	0.05
	224	0.31		120	0.02
	225	0.01		128	0.04
	226	0.09		144	0.15
	227	0.04		151	0.54
	228	0.35		167	0.05
	233	0.03		241	0.05
	234	0.16		242	0.13
	242	0.09		297	0.08
	244	0.03		302	0.04
	247	0.07		341	0.06
	248	0.49		342	0.18
	249	0.01		364	0.01
	268	0.07		365	0.1
	273	0.02		366	0.16
	274	0.1		367	0.03
	275	0.03		368	0.18
	276	0.04		369	0.04
	277	0.1		370	0.04
	278	0.01	मसूरिया	207	0.04
	287	0.09		208	0.01
	288	0.15		214	0.2
	289	0.2		215	0.2
	293	0.03		218	0.15
	294	0.16		219	0.18
	295	0.23		220	0.44
	296	0.08		237	0.01
	323	0.11		239	0.21

(1)	(2)	(3)	(1)	(2)	(3)
	172	0.06		1015	0.01
	173	0.09		1017	0.26
	174	0.01		1018	0.18
	175	0.03		1918	0.02
	176	0.27		1926	0.01
	179	0.15		1927	0.08
	180	0.03		1928	0.06
	181	0.12		1929	0.04
	182	0.09		1930	0.13
	183	0.29		1955	0.07
	186	0.02		1956	0.04
	188	0.02		1957	0.02
	189	0.16		1958	0.01
	190	0.11		1961	0.05
	198	0.03		1962	0.05
	201	0.02		1963	0.04
	236	0.02		1964	0.02
	238	0.01		1965	0.02
	239	0.26		1969	0.02
	240	0.01		1996	0.01
	242	0.13		1997	0.11
	243	0.17		1998	0.05
	245	0.02		1999	0.04
पिटोलखुर्द	2	0.03		2002	0.01
	9	0.03		2009	0.01
	11	0.1		2010	0.05
	14	0.31		2011	0.07
	16	0.02		2012	0.01
	29	0.05		2014	0.03
	31	0.15		2015	0.07
	33	0.01		2016	0.04
	34	0.03		2017	0.05
बाबड़ी बड़ी	1005	0.01		2018	0.02
	1006	0.22		2025	0.04
	1007	0.17		2026	0.02
	1013	0.01		2027	0.04
	1014	0.10		2030	0.05

(1)	(2)	(3)	(1)	(2)	(3)
	240	0.05		131	0.05
	241	0.22		132	0.11
	243	0.14		142	0.27
	244	0.01		143/384	0.01
	363	0.02		143	0.05
	364	0.18		144	0.07
	365	0.25		151	0.05
	366	0.11		152	0.34
	368	0.03		153	0.04
	369	0.04		155	0.17
	374	0.36		177	0.13
	378	0.01		178	0.18
गैबरफला	53	0.05		181	0.08
	97	0.03		182	0.11
	158	0.15		183	0.05
	159	0.14		205	0.21
	160	0.02		206	0.27
	161	0.07		207	0.2
	174	0.03		208	0.1
	176	0.04		220	0.02
	179	0.27	देबर	378	0.13
	181	0.02		428	0.02
	207	0.28		429	0.02
	208	0.29		430	0.03
	216	0.09		431	0.21
	217	0.03		432	0.02
	218	0.03		442	0.22
उदयमाल	21	0.45		443	0.11
	23	0.06		465	0.34
नरवालिया	80	0.21		469	0.4
	97	0.07		471	0.11
	98	0.24		472	0.22
	99	0.17		473	0.22
	100	0.02		474	0.2
	114	0.16		475	0.26
	115	0.15		540	0.09
	130	0.02		582	0.25

(1)	(2)	(3)	(1)	(2)	(3)
	583	0.04		132	0.1
	585	0.02		134	0.02
	588	0.02	बरोड़	506	0.07
	589	0.01		509	0.06
	590	0.02		513	0.2
	594	0.05		514	0.42
	614	0.26	खेड़ी	--	--
	810	0.04	कल्याणपुरा	242	0.18
	811	0.05		243	0.01
	814	0.09		244	0.22
	815	0.19		245	0.26
	816	0.08		246	0.01
	831/1	0.1		267	0.16
	1268	0.12		268	0.11
	1269	0.09		269	0.12
	1270	0.26		272	0.17
	1281	0.09		273	0.26
	1286	0.19		275	0.01
	1290	0.04		551	0.11
	1291	0.23		721	0.29
	1343	1.11		722	0.16
	1360	0.01		723	0.03
	1372	0.02		728	0.2
	1374	0.32		729	0.12
	1407	0.21		732	0.01
	1408	0.01		733	0.15
	1409	0.22		734	0.03
	1410	0.2		737	0.17
	1411	0.08		738	0.1
	1415	0.04	भमरवा	553	0.03
जुनवानिया	2	0.03		554	0.32
	3	0.09		556	0.01
	5	0.08		562	0.3
	6	0.01		563	0.04
	126	0.03		564	0.28
	127	0.3		565	0.04
	131	0.08		574	0.1

(1)	(2)	(3)	(1)	(2)	(3)
	575	0.43		608	0.08
	576	0.06		609	0.03
	580	0.08		615	0.09
	581	0.08		616	0.02
	582	0.32		619	0.39
	586	0.06		620	0.34
	587	0.05		624	0.01
	588	0.04		625	0.03
बस्सेवा	361	0.31		631	0.29
	363	0.13		632	0.08
	364	0.15		633/2	0.35
	365	0.51		690	0.11
	371/1	0.37		691	0.25
	391	0.04		717/1	0.05
	449	0.03		718	0.11
	538	0.14		719	0.12
	539	0.14		720	0.22
	544/1	7	मुण्डल	123	0.39
	544/2	1		124	0.07
	544/3	1		126	0.08
	544/4	1		139	0.2
	545	0.02		165	0.35
	546/1	7		166	0.34
	546/2	1		172	0.32
	546/3	1		177	0.24
	546/4	1		286	0.24
	560/1	0.06		291	0.11
	560/2	0.14		293	0.02
	560/3	0.02		294	0.17
	561/1	0.02		304	0.4
	566	0.21		385	0.12
	567	0.05		386	0.06
	587/1	0.01		403	0.12
	588	0.07		404/1	0.34
	605	0.04		405	0.05
	606/3	1		406	0.25
	606/4	1		407	0.36

(1)	(2)	(3)	(1)	(2)	(3)
	453	0.35		76	0.02
	717/2	0.02		77/541	0.02
	717/5	0.1		88	0.37
	717/7	0.02		89	0.02
	733	0.54		93	0.06
	734	0.1		182	0.06
	735	0.21		183	0.23
	742	0.22		184	0.09
	743	0.2		185	0.06
	744	0.33		187	0.25
	748	0.34		189	0.08
	751	0.32		191	0.11
	752	0.25		224	0.36
	753	0.14		225	0.22
	754	0.03	पावलघाटी	105	0.04
	756	0.18		111/2	0.02
	757	0.02		114	0.2
	845	0.01		115	0.06
	847	0.05		116	0.27
	848	0.38		118/1	0.19
	849	0.06		122	0.21
	851	0.14		123	0.01
	852	0.12		125/2	0.42
नारंदा	46	0.21		125/3	0.42
	49	0.02		126	0.01
	50	0.24		128/1	0.13
	59	0.05		129/1	0.3
	60	0.12		129/2	0.3
	61	0.06		130/2	0.26
	62	0.4		139/2	0.35
	64	0.05		141	0.07
	66	0.28		142/1	0.12
	67	0.14		143	0.06
	68	0.03		149/1	0.35
	69	0.05		149/2	0.35
	72	0.07		150	0.03
	75	0.1		194	0.34

(1)	(2)	(3)
	196	0.27
	201	1.11
	402	0.13
	403	0.27
	404	0.14
	408	0.29
	414	0.31
	415*	0.18

[फा. सं. आर 31015/12/97 - ओआर. II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 14 June, 1997

S.O. 1674 . - Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat , to Bina in the State of Madhya Pradesh, a pipeline should be laid by the Bharat Oman Refineries Limited;

And whereas that for the purpose of laying the such pipeline , it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the

Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Deepak Deshpande, Competent Authority of Central India Refinery Project of Bharat Oman Refineries Limited. 31Ward, Jain Takhtmal Colony, Civil Line, Main Road, Vidisha 464 - 001 (Madhya Pradesh).

Schedule

Tehsil: Jhabuva Dist.: Jhabuva State: Madhya Pradesh

Name of village	Survey no.	Area Hectare/are
(1)	(2)	(3)
Bhimfaliya	2	0.15
KalaKhut	167	0.07
	169	0.08
	170	0.26
	274/1	0.11
	275	0.06
	618	0.01
	644	0.07
	646	0.04
	649	0.21
	880	0.11
Pitolkala	16	0.02
	24	0.56
	26	0.04
	27	0.06
	29	0.09
	170	0.01
	171	0.02
	172	0.06
	173	0.09
	174	0.01
	175	0.03

(1)	(2)	(3)	(1)	(2)	(3)
	176	0.27		1928	0.06
	179	0.15		1929	0.04
	180	0.03		1930	0.13
	181	0.12		1955	0.07
	182	0.09		1956	0.04
	183	0.29		1957	0.02
	186	0.02		1958	0.01
	188	0.02		1961	0.05
	189	0.16		1962	0.05
	190	0.11		1963	0.04
	198	0.03		1964	0.02
	201	0.02		1965	0.02
	236	0.02		1969	0.02
	238	0.01		1996	0.01
	239	0.26		1997	0.11
	240	0.01		1998	0.05
	242	0.13		1999	0.04
	243	0.17		2002	0.01
	245	0.02		2009	0.01
Pitolkhurd	2	0.03		2010	0.05
	9	0.03		2011	0.07
	11	0.1		2012	0.01
	14	0.31		2014	0.03
	16	0.02		2015	0.07
	29	0.05		2016	0.04
	31	0.15		2017	0.05
	33	0.01		2018	0.02
	34	0.03		2025	0.04
Bawadibadi	1005	0.01		2026	0.02
	1006	0.22		2027	0.04
	1007	0.17		2030	0.05
	1013	0.01		2062	0.34
	1014	0.1	Khedi	112	0.13
	1015	0.01		113	0.15
	1017	0.26		114	0.08
	1018	0.18		115	0.15
	1918	0.02		201	0.06
	1926	0.01		204	0.12
	1927	0.08		215	0.15

(1)	(2)	(3)	(1)	(2)	(3)
	216	0.35		120	0.02
	217	0.07		128	0.04
	224	0.31		144	0.15
	225	0.01		151	0.54
	226	0.09		167	0.05
	227	0.04		241	0.05
	228	0.35		242	0.13
	233	0.03		297	0.08
	234	0.16		302	0.04
	242	0.09		341	0.06
	244	0.03		342	0.18
	247	0.07		364	0.01
	248	0.49		365	0.1
	249	0.01		366	0.16
	268	0.07		367	0.03
	273	0.02		368	0.18
	274	0.1		369	0.04
	275	0.03		370	0.04
	276	0.04	Masuriya	207	0.04
	277	0.1		208	0.01
	278	0.01		214	0.2
	287	0.09		215	0.2
	288	0.15		218	0.15
	289	0.2		219	0.18
	293	0.03		220	0.44
	294	0.16		237	0.01
	295	0.23		239	0.21
	296	0.08		240	0.05
	323	0.11		241	0.22
	324	0.02		243	0.14
Mod	97	0.23		244	0.01
	99	0.12		363	0.02
	100	0.02		364	0.18
	101	0.12		365	0.25
	102	0.01		366	0.11
	115	0.14		368	0.03
	116	0.06		369	0.04
	117	0.13		374	0.36
	118	0.05		378	0.01

(1)	(2)	(3)	(1)	(2)	(3)
Gelarkala	33	0.05		183	0.05
	97	0.03		205	0.21
	158	0.15		206	0.27
	159	0.14		207	0.2
	160	0.02		208	0.1
	161	0.07		220	0.02
	174	0.03	Dhebar	378	0.13
	176	0.04		428	0.02
	179	0.27		429	0.02
	181	0.02		430	0.03
	207	0.28		431	0.21
	208	0.29		432	0.02
	216	0.09		442	0.22
	217	0.03		443	0.11
	218	0.03		465	0.34
Udeymal	21	0.45		469	0.4
	23	0.06		471	0.11
Narwalia	80	0.21		472	0.22
	97	0.07		473	0.22
	98	0.24		474	0.2
	99	0.17		475	0.26
	100	0.02		540	0.09
	114	0.16		582	0.25
	115	0.15		583	0.04
	130	0.02		585	0.02
	131	0.05		588	0.02
	132	0.11		589	0.01
	142	0.27		590	0.02
	143/384	0.01		594	0.05
	143	0.05		614	0.26
	144	0.07		810	0.04
	151	0.05		811	0.05
	152	0.34		814	0.09
	153	0.04		815	0.19
	155	0.17		816	0.08
	177	0.13		831/1	0.1
	178	0.18		1268	0.12
	181	0.08		1269	0.09
	182	0.11		1270	0.26

(1)	(2)	(3)	(1)	(2)	(3)
	1281	0.09		551	0.11
	1286	0.19		721	0.29
	1290	0.04		722	0.16
	1291	0.23		723	0.03
	1343	1.11		728	0.2
	1360	0.01		729	0.12
	1372	0.02		732	0.01
	1374	0.32		733	0.15
	1407	0.21		734	0.03
	1408	0.01		737	0.17
	1409	0.22		738	0.1
	1410	0.2	Bhamarda	553	0.03
	1411	0.08		554	0.32
	1415	0.04		556	0.01
Junwaniya	2	0.03		562	0.3
	3	0.09		563	0.04
	5	0.08		564	0.28
	6	0.01		565	0.04
	126	0.03		574	0.1
	127	0.3		575	0.43
	131	0.08		576	0.06
	132	0.1		580	0.08
	134	0.02		581	0.08
Barod	506	0.07		582	0.32
	509	0.06		586	0.06
	513	0.2		587	0.05
	514	0.42		588	0.04
Khedi	--	--	Barkheda	361	0.31
Kalyanpura	242	0.18		363	0.13
	243	0.01		364	0.15
	244	0.22		365	0.51
	245	0.26		371/1	0.37
	246	0.01		391	0.04
	267	0.16		449	0.03
	268	0.11		538	0.14
	269	0.12		539	0.14
	272	0.17		544/1	}
	273	0.26		544/2	
	275	0.01		544/3	
				544/4	

(1)	(2)	(3)	(1)	(2)	(3)
	545	0.02		172	0.32
	546/1	0.08		177	0.24
	546/2			286	0.24
	546/3			291	0.11
	546/4			293	0.02
	560/1	0.06		294	0.17
	560/2	0.14		304	0.4
	560/3	0.02		385	0.12
	561/1	0.02		386	0.06
	566	0.21		403	0.12
	567	0.05		404/1	0.34
	587/1	0.01		405	0.05
	588	0.07		406	0.25
	605	0.04		407	0.36
	606/3	0.19		453	0.35
	606/4			717/2	0.02
	608	0.08		717/5	0.1
	609	0.03		717/7	0.02
	615	0.09		733	0.54
	616	0.02		734	0.1
	619	0.39		735	0.21
	620	0.34		742	0.22
	624	0.01		743	0.2
	625	0.03		744	0.33
	631	0.29		748	0.34
	632	0.08		751	0.32
	633/2	0.35		752	0.25
	690	0.11		753	0.14
	691	0.25		754	0.03
	717/1	0.05		756	0.18
	718	0.11		757	0.02
	719	0.12		845	0.01
	720	0.22		847	0.05
Mundot	123	0.39		848	0.38
	124	0.07		849	0.06
	126	0.08		851	0.14
	139	0.2		852	0.12
	165	0.35			
	166	0.34			

(1)	(2)	(3)	(1)	(2)	(3)
Naranda	46	0.21		115	0.06
	49	0.02		116	0.27
	50	0.24		118/1	0.19
	59	0.05		122	0.21
	60	0.12		123	0.01
	61	0.06		125/2	0.42
	62	0.4		125/3	
	64	0.05		126	0.01
	66	0.28		128/1	0.13
	67	0.14		129/1	0.3
	68	0.03		129/2	
	69	0.05		130/2	0.26
	72	0.07		139/2	0.35
	75	0.1		141	0.07
	76	0.02		142/1	0.12
	77/541	0.02		143	0.06
	88	0.37		149/1	0.35
	89	0.02		149/2	
	93	0.06		150	0.03
	182	0.06		194	0.34
	183	0.23		196	0.27
	184	0.09		201	1.11
	185	0.06		402	0.13
	187	0.25		403	0.27
	189	0.08		404	0.14
	191	0.11		408	0.29
	224	0.36		414	0.31
	225	0.22		415	0.18
Padalghati	105	0.04			
	111/2	0.02			
	114	0.2			

[File No. R 31015/12/97-OR. II]

K.C.Katoch, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, तारीख 19 जून, 1997.

का.आ. 1675 - केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिये भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस्लाम अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में श्री डी. एच. रविया सक्षम प्राधिकारी, भारत ओमान रीफाइनरीज लिमिटेड, सेंट्रल इंडिया रीफाइनरी परियोजना, अब्बासी चेम्बर्स, दुसरी मंझील, पंजाब नेशनल बैंक के पास, राजकोट 36 0001 गुजरात को कर सकेगा;

अनुसूची

तालुका: मोरबी	जिला: राजकोट	राज्य: गुजरात			
गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र	हेक्टर	आरे	सेन्टी आरे
(1)	(2)	(3)	(4)	(5)	(5)
जोधपर (जाला)	219 पैकी	0	16	55	

(1)	(2)	(3)	(4)	(5)
	219 पैकी	0	54	38
	219 पैकी	0	25	02
	219 पैकी	0	18	20
	218 पैकी	0	16	20
	नाला	0	06	60
	217 पैकी	0	27	70
	217 पैकी	0	28	13
	214/1 पैकी	0	04	00
	215 पैकी	0	37	70
	215 पैकी	0	23	65
	215 पैकी	0	16	05
	नाला	0	02	40
	194	0	61	80
	193 पैकी	0	21	25
	193 पैकी	0	21	25
	कार्ट्रक	0	00	90
	185 पैकी	0	51	10
	185 पैकी	0	79	10
	नाला	0	05	40
	175 पैकी	0	54	60
	175 पैकी	0	59	10
	174 पैकी	0	13	00
	174 पैकी	0	40	70
रोहीशाला	195	0	76	35
	196	0	05	00
	201	0	58	82
	200	0	50	37
	202/1 पैकी	0	10	50
	202/1 पैकी	0	10	50
	202/1 पैकी	0	15	30
	203	0	27	30
	204 पैकी	0	09	60
	204 पैकी	0	09	60
	204 पैकी	0	16	80
	205	0	16	21
	206	0	00	24
	209	0	11	83
	210	0	24	12

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	211	0	13	50		455	0	01	72
	212 सरकारी खराबा	0	33	47		457	0	23	78
	213	0	03	38		459	0	27	70
	175	0	18	19		450	0	16	50
	174 पैकी	0	42	11		448	0	04	97
	171/1	0	27	60		446	0	45	66
	नाला	0	06	40		472	0	39	00
	169	0	03	80		473	0	22	00
	161	0	15	30		474/2	0	00	24
	162/1	0	33	20		नाला	0	02	16
	168/1	0	16	55		692	1	26	75
	रोड	0	06	60		कार्ट्रक	0	03	15
	406/1 पैकी	0	09	42		495	0	13	76
	406/1 पैकी	0	09	44		498	0	07	80
	406/1 पैकी	0	09	42		496	0	01	75
	405	0	01	72		कार्ट्रक	0	06	00
	403 पैकी	0	12	00		497/1	0	07	20
	403 पैकी	0	34	20		558/1 पैकी	0	13	08
	403 पैकी	0	12	00		494/1 पैकी	0	16	90
	407 सरकारी	0	81	54		494/1 पैकी	0	17	80
	कार्ट्रक	0	03	45		494/2 पैकी	0	01	90
	5 पैकी	0	36	55		नाला	0	88	10
	6/1 पैकी	0	02	10		558/1 पैकी	0	03	23
	6/1 पैकी	0	04	68		नहेर	0	00	60
	6/1 पैकी	0	13	77		कार्ट्रक	0	03	52
	रोड	0	02	56		561 पैकी	0	34	49
	नाला	0	09	00		561 पैकी	0	22	00
	27/5	0	21	00		कार्ट्रक	0	01	65
	27/4	0	10	50		645 पैकी	0	12	30
	27/3	0	05	55		562	0	12	30
	15	0	10	50		644 पैकी	0	51	44
	नाला	0	04	00		643	0	05	94
	22 पैकी	0	35	10		642/1 पैकी	2	87	01
	21 पैकी	0	51	00		सरकारी			
	20 पैकी	0	31	80		रोड	0	02	70
	17	0	49	57		665	0	50	45
निकनाम	456	0	25	50	हमीरपर	288/2 सरकारी	1	60	20
						रोड	0	07	20

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	2 पैकी तालाब	0	08	25		नाला	0	06	00
	काटट्रक	0	01	26		187 पैकी	0	11	35
	रोड	0	03	60		187 पैकी	0	04	50
	काटट्रक	0	01	80		187 पैकी	0	34	40
	5	0	14	40		काटट्रक	0	05	59
	6/1	0	33	00		204/1	0	21	30
	6/3	0	18	00		204/2	0	13	20
	9 पैकी	0	30	15		204/3	0	14	00
	9 पैकी	0	16	95		204/4	0	23	70
	30/2	0	00	85		204/5 पैकी	0	27	00
	30/1	0	23	00		204/5 पैकी	0	45	30
	29	0	62	55		रोड	0	11	65
	71/1 पैकी	0	22	00		183 पैकी सरकारी	0	92	10
	71/1 पैकी	0	22	40		रोड	0	07	50
	71/1 पैकी	0	18	60		182 सरकारी	0	99	00
	81/1 पैकी	0	08	80		काटट्रक	0	02	10
	77/1 पैकी	0	06	33		181 पैकी सरकारी	0	13	80
	80/1	0	22	85		काटट्रक	0	00	90
	97	0	38	40		216 सरकारी	1	06	15
	82/1 पैकी	0	01	10		काटट्रक	0	00	65
	82/1 पैकी	0	00	83		217 पैकी सरकारी	0	42	70
	96	0	51	77		217 पैकी	0	50	00
	106 पैकी	0	06	00		नदी	0	24	00
	106 पैकी	0	41	70		218 सरकारी	0	10	65
	107	0	46	80		काटट्रक	0	01	20
	108/1 पैकी	0	23	10		224 पैकी गोचर	0	52	00
	108/1 पैकी	0	21	60		224 पैकी सरकारी	0	98	60
	108/1 पैकी	0	22	80		223 पैकी सरकारी	1	19	10
छत्तर	197/2	0	01	15		228 पैकी	0	07	80
	197/4 पैकी	0	19	82		228/1	0	13	80
	197/4 पैकी	0	48	52		222 पैकी	0	39	00
	198 सरकारी	0	51	56		222 पैकी	0	10	80
	199/पैकी	0	12	63		228 पैकी	0	63	60
	नाला	0	00	55					
	200 पैकी	0	66	60					
	200 पैकी	0	62	07					
	201	0	00	10					

[फा. सं. आर - 31015/6/97-ओ आर, II]

के. सी. कटोच, अवर सचीव,

Ministry of Petroleum and Natural Gas

SCHEDULE

Taluka : Morbi District : Rajkot State : Gujarat

New Delhi, the 19 JUNE 1997

S.O. 1675 - Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri D. H. Raviya, competent authority of Central India Refinery Project of Bharat Oman Refineries Limited, Abbasi Chambers, 2nd Floor Near Punjab National Bank, Rajkot, 360001 Gujarat;

Name of Village	Survey/Block Number	Area		
		Hec- tare	Are	Centare
(1)	(2)	(4)	(5)	(6)
Jodhpar (Jhala)	219 Paiki	0	16	55
	219 Paiki	0	54	38
	219 Paiki	0	25	02
	219 Paiki	0	18	20
	218 Paiki	0	16	20
	Nalla	0	06	60
	217 Paiki	0	27	70
	217 Paiki	0	28	13
	214/1 Paiki	0	04	00
	215 Paiki	0	37	70
	215 Paiki	0	23	65
	215 Paiki	0	16	05
	Nalla	0	02	40
	194	0	61	80
	193 Paiki	0	21	25
	193 Paiki	0	21	25
	Cart track	0	00	90
185 Paiki	0	51	10	
185 Paiki	0	79	10	
Nalla	0	05	40	
175 Paiki	0	54	60	
175 Paiki	0	59	10	
174 Paiki	0	13	00	
174 Paiki	0	40	70	
Rohishala	195	0	76	35
	196	0	05	00
	201	0	58	82
	200	0	50	37
	202/1 Paiki	0	10	50
	202/1 Paiki	0	10	50
	202/1 Paiki	0	15	30
	203	0	27	30
	204 Paiki	0	09	60
	204 Paiki	0	09	60

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	204 Paiki	0	16	80		20 Paiki	0	31	80
	205	0	16	21		17	0	49	57
	206	0	00	24	Neknam	456	0	25	50
	209	0	11	83		455	0	01	72
	210	0	24	12		457	0	23	78
	211	0	13	50		459	0	27	70
	212	0	33	47		450	0	16	50
	Government Kharaba					448	0	04	97
	213	0	03	38		446	0	45	66
	175	0	18	19		472	0	39	00
	174 Paiki	0	42	11		473	0	22	00
	171/1	0	27	60		474/2	0	00	24
	Nalla	0	06	40		Nalla	0	02	16
	169	0	03	80		692	1	26	75
	161	0	15	30		Cart track	0	03	15
	162/1	0	33	20		495	0	13	76
	168/1	0	16	55		498	0	07	80
	Road	0	06	60		496	0	01	75
	406/1 Paiki	0	09	42		Cart track	0	06	00
	406/1 Paiki	0	09	44		497/1	0	07	20

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	2 पैकी तालाब	0	08	25		नाला	0	06	00
	कार्टट्रक	0	01	26		187 पैकी	0	11	35
	रोड	0	03	60		187 पैकी	0	04	50
	कार्टट्रक	0	01	80		187 पैकी	0	34	40
	5	0	14	40		कार्टट्रक	0	05	59
	6/1	0	33	00		204/1	0	21	30
	6/3	0	18	00		204/2	0	13	20
	9 पैकी	0	30	15		204/3	0	14	00
	9 पैकी	0	16	95		204/4	0	23	70
	30/2	0	00	85		204/5 पैकी	0	27	00
	30/1	0	23	00		204/5 पैकी	0	45	30
	29	0	62	55		रोड	0	11	65
	71/1 पैकी	0	22	00		183 पैकी सरकारी	0	92	10
	71/1 पैकी	0	22	40		रोड	0	07	50
	71/1 पैकी	0	18	60		182 सरकारी	0	99	00
	81/1 पैकी	0	08	80		कार्टट्रक	0	02	10
	77/1 पैकी	0	06	33		181 पैकी सरकारी	0	13	80
	80/1	0	22	85		कार्टट्रक	0	00	90
	97	0	38	40		216 सरकारी	1	06	15
	82/1 पैकी	0	01	10		कार्टट्रक	0	00	65
	82/1 पैकी	0	00	83		217 पैकी सरकारी	0	42	70
	96	0	51	77		217 पैकी	0	50	00
	106 पैकी	0	06	00		नदी	0	24	00
	106 पैकी	0	41	70		218 सरकारी	0	10	65
	107	0	46	80		कार्टट्रक	0	01	20
	108/1 पैकी	0	23	10		224 पैकी गांचर	0	52	00
	108/1 पैकी	0	21	60		224 पैकी सरकारी	0	98	60
	108/1 पैकी	0	22	80		223 पैकी सरकारी	1	19	10
छत्तर	197/2	0	01	15		228 पैकी	0	07	80
	197/4 पैकी	0	19	82		228/1	0	13	80
	197/4 पैकी	0	48	52		222 पैकी	0	39	00
	198 सरकारी	0	51	56		222 पैकी	0	10	80
	199/पैकी	0	12	63		228 पैकी	0	63	60
	नाला	0	00	55					
	200 पैकी	0	66	60					
	200 पैकी	0	62	07					
	201	0	00	10					

[फा. सं. आर - 31015/6-97-ओ आर. II]

के. सी. कटोच, अवर सचीव,

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
	Road	0	07	20		187 Paiki	0	04	50
	2 Paiki Tank	0	08	25		187 Paiki	0	34	40
	Cart track	0	01	26		Cart track	0	05	59
	Road	0	03	60		204/1	0	21	30
	Cart track	0	01	80		204/2	0	13	20
	5	0	14	40		204/3	0	14	00
	6/1	0	33	00		204/4	0	23	70
	6/3	0	18	00		204/5 Paiki	0	27	00
	9 Paiki	0	30	15		204/5 Paiki	0	45	30
	9 Paiki	0	16	95		Road	0	11	65
	30/2	0	00	85		183 Paiki	0	92	10
	30/1	0	23	00		Government			
	29	0	62	55		Road	0	07	50
	71/1 Paiki	0	22	00		182	0	99	00
	71/1 Paiki	0	22	40		Government			
	71/1 Paiki	0	18	60		Cart track	0	02	10
	81/1 Paiki	0	08	80		181 Paiki	0	13	80
	77/1 Paiki	0	06	33		Government			
	80/1	0	22	85		Cart track	0	00	90
	97	0	38	40		216	1	06	15
	82/1 Paiki	0	01	10		Government			
	82/1 Paiki	0	00	83		Cart track	0	00	65
	96	0	51	77		217 Paiki	0	42	70
	106 Paiki	0	06	00		Government			
	106 Paiki	0	41	70		217 Paiki	0	50	00
	107	0	46	80		River	0	24	00
	108/1 Paiki	0	23	10		218	0	10	65
	108/1 Paiki	0	21	60		Government			
	108/1 Paiki	0	22	80		Cart track	0	01	20
	197/2	0	01	15		224 Paiki	0	52	00
	197/4 Paiki	0	19	82		Cattle field			
	197/4 Paiki	0	48	52		224 Paiki	0	98	60
	198	0	51	56		Government			
	Government					223 Paiki	1	19	10
	199/Paiki	0	12	63		Government			
	Nalla	0	00	55		228 Paiki	0	07	80
	200 Paiki	0	66	60		228/1	0	13	80
	200 Paiki	0	62	07		222 Paiki	0	39	00
	201	0	00	10		222 Paiki	0	10	80
	Nalla	0	06	00		228 Paiki	0	63	00
	187 Paiki	0	11	35					

[File No. R-31015/6/97-OR.II]

K.C. Katoch, Under Secy.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri D. H. Raviya, competent authority of Central India Refinery Project of Bharat Oman Refineries Limited, Abbasi Chambers, 2nd Floor Near Punjab National Bank, Rajkot, 360001 Gujarat;

	Nalla	0	02	40					
	194	0	61	80					
	193 Paiki	0	21	25					
	193 Paiki	0	21	25					
	Cart track	0	00	90					
	185 Paiki	0	51	10					
	185 Paiki	0	79	10					
	Nalla	0	05	40					
	175 Paiki	0	54	60					
	175 Paiki	0	59	10					
	174 Paiki	0	13	00					
	174 Paiki	0	40	70					
	Rohishala								
	195	0	76	35					
	196	0	05	00					
	201	0	58	82					
	200	0	50	37					
	202/1 Paiki	0	10	50					
	202/1 Paiki	0	10	50					
	202/1 Paiki	0	15	30					
	203	0	27	30					
	204 Paiki	0	09	60					
	204 Paiki	0	09	60					

शुद्धि पत्र

नई दिल्ली 9 जून, 1997

AND

Their Workmen

APPEARANCES :

For the Management : Mr. B. N. Prasad Advocate.
For the Workmen : Mr. S. R. Pandre Representative.

Mumbai, dated 16th May, 1997

AWARD-PART-II

On 20-11-96 by Part-I Award I came to the conclusion that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice and the findings of the inquiry officer are not perverse and they are based on the evidence before him. Now by this Award I have to answer the remaining issues.

2. In nutshell the facts of the case are that Dhakate the workman was appointed as a security guard on January 27, 1975. He was promoted as a clerk on 3rd July, 1997. He remained absent for more than ten days. It is therefore the charge sheet dated 22nd May 1989 was issued to him. The domestic inquiry was held against him and in which he was found guilty of the charges levelled against him.

3. The inquiry officer submitted a report to the disciplinary authority which in turn accepted the same and passed a punishment of termination.

4. Now the issues that fall for my consideration and my findings there on are as follows :

Issues	Findings
3. Whether the action of the management in dismissing the worker Dhakate is justified ?	Yes
4. If not, to what relief the workman is entitled ?	Does not survive

REASONS

4. Dhakate filed an affidavit Exhibit-37. In the said affidavit he had affirmed regarding the all claims. It is therefore an endorsement was made on the affidavit that the management to cross-examine the witnesses only on Issue Nos. 3 and 4 and other contentions in the affidavit are not to be considered. In the cross-examination he stated that the punishment which was awarded to him is disproportionate to the charges proved. He had not given any reasons for saying so. He had not produced any documentary evidence to show that in similar circumstances other employees were awarded with a lesser punishment and there is a discrimination.

5. The management had not lead any oral evidence in the matter.

6. The management filed a written argument at Exhibit-42 and the union at Ex-43. From perusal of the written argument on behalf of the employee is concerned it is not helpful for coming to the conclusion that the punishment which is awarded to the workman was disproportionate to the charges proved. There are observations in the written argument that the punishment which is awarded is not proper and the award may be answered in his favour.

7. The worker was charged under standing orders clauses-18(1)(d) and 18(1)(n). These clauses deals with habitual late attendance and habitual absence without leave or without sufficient cause and continuous absence without permission and without satisfactory cause for more than ten days.

8. While awarding the punishment the disciplinary authority has to follow certain rules. While passing the orders (Exhibit-9/20) the disciplinary authority had followed the due procedure. It is observed that in awarding punishment under the standing orders he had taken into consideration the gravity of the misconduct the previous record if any of the workman and other extenuating or aggravating circumstances they may exist.

9. It can be seen that when the charge sheet was issued to him which is dated 22-5-89, he had already absent unauthorisedly for nearly four months. When the departmental inquiry started he did not report for joining himself to the duty. Infact he remained unauthorisedly absent till the date of his termination of service on 27-4-95. The period is of nearly 6-1/2 years. There is no record to show that he tried to join the duties but was not allowed by the officers to join the same. No doubt there is a contention that when he first approached on 25-5-89 he was issued a chargesheet

का.भा. 1676.—यतः केन्द्रीय सरकार, ने पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी की गई और भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) हिन्दो पाठ पृष्ठ सं. 3185 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना में सं. का.भा. 2471 तारीख 21 अगस्त 1996 द्वारा उस अधिसूचना में वर्णित भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की सूचना दी थी।

और केन्द्रीय सरकार की जानकारी में यह लाया गया है कि राजपत्र में प्रकाशित उक्त अधिसूचना में मूद्रण प्रकृति की कुछ त्रुटियाँ हैं।

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में संशोधन अनुसूची में निम्नलिखित संशोधन करती है :—

पृष्ठ 3185 : ग्राम जनसाली के स्तंभ सं. 5 के नीचे सर्वेक्षण सं. 106 के मामले '59' के स्थान पर '50'

[फा.सं. आर-31015/20/96-ओ.आर.-II]

के.सी. कटोच, अव्वर सचिव

श्रम मंत्रालय

नई दिल्ली, 6 जून, 1997

कां.भा. 1677.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इन्ड्यू. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 4/6/97 को प्राप्त हुआ था।

[सं. एल. 22012/476/95 आई आर (सी II)]

के.वी.बी. उन्नी, डेस्क अधिकारी

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 6th June, 1997

S.O. 1677.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workman, which was received by the Central Government on the 4-6-97.

[No. L-22012/476/95-IR(C-II)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/17 of 1996

Employers in relation to the management of New Majri Opencast Mine, W.C.L.

1544 GI/97-9

instead of allowing him to join the duties. But that stand is not carried forward anywhere further. If really that would have been the position he could have reported to the inquiry officer that he is not allowed to join the duties by the management. The conduct of the worker is quiet different. In a reply to the chargesheet he had stated that he is giving the application for Voluntary Retirement. This appears to be the cause of his not joining the duties later on. The fact still remains that he continued to remain absent even though a chargesheet was issued to him to that effect. In other words these extenuating or aggravating circumstances existed at the time of passing of the order. At no time he felt sorry for flouting the rules and remaining absent. I therefore find that the punishment which is awarded by the disciplinary authority cannot be said to be disproportionate to the charges proved. I may mention it here that instead of dismissing the employee the management had chosen to terminate his service which gave him the benefits. Under such circumstances I record my findings on the issues accordingly and pass the following order :

ORDER

The action of the management of Sub-Area Manager, New Mairi Opencast Sub-Area WCL, Distt. Chandranur in dismissing the service of Sh. P. M. Dhakte, clerk, New Mairi Open case is justified.

16-5-97

S. B. PANSE, Presiding Officer

नई दिल्ली, 10 जून, 1997

का०आ०. 1678 --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एयर फोर्स स्टेशन कैंटीन (सी०एस०डी०) त्रिवेन्द्रम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोलाम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-97 को प्राप्त हुआ था।

[सं० एल-14012/22/95-आई० आर० (डी०यू०)]
के०वी०बी० उन्नी, डैस्क अधिकारी

New Delhi, the 10th June, 1997

S.O. 1678.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Air Force Station Canteen (CSD), Trivandrum and their workman, which was received by the Central Government on 10-6-97.

[No. L-14012/22/95-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,

KOLLAM

(Dated, this the 15th day of May, 1997)

PRESENT :

Sri C. N. Sasidharan, Industrial Tribunal.

IN

Industrial Dispute No. 8/97

BETWEEN

The Chief Administrative Officer, Air Force Station Beach Canteen, No. 17, FBSU Air Force, Beach P.O., Trivandrum.

(By Sri N. Krishnan Kutty, Advocate, Trivandrum.)

AND

Sri S. Vijayan Pillai, Mankushiyil House, Chavara South, Thekkumbhagam P.O., Kollam District.

(By Sri M. S. Vijayachandra Babu, Advocate, Trivandrum.)

AWARD

This industrial dispute has been referred for adjudication by the Government of India as per Order No. L-14012/22/95-IR(DU) dated 4-3-1997 :

The issue for adjudication is the following :

Whether the action of the management of Air Force Station Canteen (CSD), Trivandrum in terminating the services of Sri S. Vijayan Pillai w.e.f. 15-10-95 is legal and justified? If not, to what relief the workman is entitled to?

2. In answer to notices issued from this Tribunal both sides entered appearance on 3-4-1997. Subsequently both sides remained absent and the workman has filed a petition on 13-5-1997 stating that he has filed a shop appeal under the Kerala Shops and Commercial Establishments Act before the appellate authority and that case is now at the evidence stage. Because of that it is stated by the workman that he is not interested in proceeding under the Industrial Disputes Act, 1947.

3. As requested by the workman this petition is accepted and this dispute is closed reserving his right to continue the shop appeal pending before the Deputy Labour Commissioner, Trivandrum.

C. N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 10 जून, 1997

का०आ०. 1679.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कर्मांडिंग आफिसर, आई०एन०एस० वेन्दुरुथी, कोचीन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अरनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-97 को प्राप्त हुआ था।

[सं० एल-14012/3/92-आई० आर० (डी०यू०)]
के०वी०बी० उन्नी, डैस्क अधिकारी

New Delhi, the 10th June, 1997

S.O. 1679.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Comm. Officer, INS Venduruthy, Cochin and their workman, which was received by the Central Government on 10-6-1997.

[No. L-14012/3/92-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(Labour Court, Ernakulam)

(Monday, the 31st day of March, 1997)

PRESENT :

Shri Varghese T. Abraham, B.A., L.L.M., Presiding Officer.

Industrial Dispute No. 7 of 1993 (C)

BETWEEN

The Commanding Officer, INS Venduruthy, Naval Base, Cochin-682004.

AND

Shri V. Anil Kumar, 11/134, South Thamara Parambu, Cochin-682001.

REPRESENTATIONS :

M/s. Chandrasekharan and Chandrasekhara Menon, Advocates, Chittoor Road, Kochi-18—for Management.

Sri K. G. Sarath Kumar, Advocate, City Law Chambers, Broadway, Cochin-31—for workman.

AWARD

The Government of India as per Order No. L-14012/3/92-IR (DU) dated 16-8-93 referred the following industrial dispute for adjudication :

"Whether the action of Commanding Officer, INS Venduruthy, Naval Base, Cochin-4 in terminating the services of Shri Anilkumar, casual gate keeper in Sagarika Theatre w.e.f. 3-4-85 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. According to the workman, he was working as a Gate Keeper in the Sagarika Theatre under the Commanding Officer INS Venduruthy with effect from June, 1983 onwards. On 3-4-85 he was informed that his service is no longer required for no reason known to the workman. At the time of termination of service he was getting a monthly salary of Rs. 300. The termination of service led to I. D. No. 114/86 in which the Labour Court, Ernakulam passed an award in his favour for reinstatement with full backwages. But the Hon'ble High Court set aside the award holding that the management is owned by the Central Government and hence the State Government has no power to refer the I.D. for adjudication. The matter was again taken up with the Central Deputy Labour Commissioner. The Theatre is being used for lectures and meetings arranged by the subordinates with the opposite party and its main purpose was Cinema Movie. He is a workman under the I.D. Act. The termination of service is illegal. Hence the reference under order of Central Government.

3. The defence taken up by the management is that the workman was working as a Gate Keeper on temporary basis and paid out of Non Public Funds known as Sagarika Fund and that he is not a workman under the I. D. Act. The employees working in the Hall are not Government or public employment is only temporary and on ad hoc basis. There services. There is no permission for civilian in the hall. The employment is only temporary and on adhoc basis. There is no industry as defined in the I. D. Act. As the workman was not on the regular service, the question of termination will not arise. During the conciliation proceedings on 17-10-91 before the ALC (C), the workman withdraw his dispute and applied for any temporary or casual job. On 25-2-92, he was offered the first available casual job. But he refused to accept it. The Lecture-cum-Assembly hall (Sagarika) has been put for imparting training to the Defence Personnel. The training includes the screening of educational and instructional films. By way of entertainment of defence personnel and their families, films are screened. Cultural programme are performed by the defence personnel including Kendriya Vidyalaya, Naval Public School etc. Although a nominal charge is recovered from service personnel the nominal proceeds received from the sale of entry tickets are utilised for the purpose of payment honourarium to service and civilian staff, maintenance of Sagarika and its equipments and charitable purposes. So it is prayed for dismissal of the claim.

4. The workman filed a rejoinder reiterating the averments in the claim and controverting in the defence contentions.

5. When the case came up for enquiry, two witnesses were examined WWs-1 and 2 and Ext. W-1 is marked on the workman's side. No evidence is adduced by the management.

6. Heard.

7. The points which emerge for consideration are :

(i) Whether there is an industry as defined in the I. D. Act and whether the claimant is a workman under the I. D. Act.

(ii) Whether the termination of service is illegal and if so, to what kind of relief is the workman entitled to receive?

8. Points 1 and 2.—It is a defence contention that there is no industry as defined in the I. D. Act and that the claimant is not a workman. It can be seen from the written statement that a systematic activity is regularly carried on by the employer with the help of employees. The workman as WW-1 has sworn that civilians are also permitted to gain entry into the theatre. It is so admitted to a certain extent by the management in the written statement. For what purpose the proceeds are the same of ticket are used is immaterial. Even charitable institution are covered by the I. D. Act. As Justice V. R. Krishna Iyer observed, charity must begin at home as far as the workman is concerned. Even though the theatre is partly used by the Cochin Naval Base for imparting training to the defence personnel by conducting lecture classes and by exhibiting films etc. it is being used for the purpose of exhibiting ordinary films for defence personnel and their family members and civilians as well. Therefore there is an industry as defined in the I. D. Act. The fact that the workman was appointed as a gate keeper is nowhere denied in the written statement. Ext. W-1 is a letter addressed by the Officer in charge, Base Cinema Kochi to the Duty P.O. Main Gate seeking permission to allow Anilkumar (WW-1) to enter the Naval Base to do the gate keeper work in the Base Cinema. Ext. W-1 further reveals that WW-1 was appointed in the Base Cinema as a Gate Keeper with effect from 25-7-83. Ext. W-1 will speak that WW-1 was appointed as a gate keeper by the opposite party and that he has been doing the work of gate keeper. His service was terminated by the management. The termination of service is without assigning any reason. The termination is not preceded by notice, notice pay or compensation and hence it is violative of Section 25-F of the I. D. Act. Therefore, I hold that the opposite party is running an industry. WW-1 is a workman and that his termination of service is illegal. The case set up by the workman is corroborated by a co-worker who is examined as WW-2. He was working in the capacity of gate keeper for the last 22 years. No disciplinary action is taken against the present workman. Thus the termination of service is illegal. So the workman is entitled to get the relief of reinstatement with full back wages and continuity of service. Points so found.

In the result, the reference is answered holding that the action of the Commanding Officer, the management of Sagarika Theatre in terminating the service of Sri Anil Kumar as Gate Keeper, the workman under the order of reference with effect from 3-4-85 is illegal and unjustifiable. The management is directed to reinstate the workman with full back wages and continuity of service.

Ernakulam,

Dated : 31-3-1997

VARGHESE T. ABRAHAM, Presiding Officer
APPENDIX

Witnesses examined on the side of Workman :

WW-1—Sri Anil Kumar.

WW-2—Sri Madhsoodanan.

Exhibit marked on the side of Workman :

Ext. W-1—Appointment letter issued to Anil Kumar by the Officer in charge, Base Cinema, Kochi-4 dated 25-7-83.

नई दिल्ली, 13 जून, 1997

क्र.सं. 1680—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, नॉर्थ ईस्ट रेलवे, अलाहाबाद के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अननुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-97 को प्राप्त हुआ था।

[सं० एल-41011/42/92-आई.आर. (डीयू)/वी. I]

के० वी० वी० उन्नी, ईस्क अधिकारी

New Delhi, the 13th June, 1997

S.O. 1680.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway Allahabad and their workman, which was received by the Central Government on 12-6-1997.

[No. L-41011/42/92-IR (DU)/(B-I)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 92 of 1993

In the matter of dispute :

BETWEEN

Divisional Manager
Northern Railway
Allahabad Division
Allahabad.

AND

Dinanath Tiwari Divisional Secretary
Uttar Railway Karmchhari Union,
2, Navin Market Parede Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-41011/42/92-IR (DU) dated 8-10-93 has referred the following dispute for adjudication to this Tribunal for adjudication.

Kya Divisional Railway Manager (Personnel) Northern Railway Allahabad Dwara Sri Shiv Prakash Vidyt Khalasi ko dinank 15-5-90 se yani medical fit hone ke dinank se sthai sewa me niyojit na karna nyayochit hai ? Yadi nahi to sambandhit karmkar kis anutosh ke haqdar hai ?

2. The case of the concerned workman is that he along with others were removed from service by the opposite party, when he was working as electric khalasi. He alongwith several others were removed from service. The matter was taken up before ALC (C) Kanpur. On 19-1-1989, settlement had taken place between the parties, in the presence of ALC (C) between AEE (G) and Northern Railway Karamchhari Union Allahabad Div. It inter alia provide that all of them will be given temporary status by giving C.P.C. scale provided they pass requisite medical examination within one month. But they will be given duty henceforth. The grievance of the concerned workman is that inspite of this settlement and

In spite of the fact that the concerned workman had cleared in the medical test he was not given regular appointment by giving him temporary status which he is entitled.

3. The opposite party was represented through SAH Quereshi Advocate. He filed written statement in which it was alleged that on 22-7-89, he was sent for medical check up where he was found unfit for B-2 category, however, on appeal he was sent for re-examination and was found fit on 15-3-90 for B category thereupon he was allowed to join on 7-3-92. Thus there was no fault on the part of the management.

4. In the rejoinder, nothing new has been said.

5. The concerned workman did not adduce any evidence. Instead his representative Dinanath has given his evidence.

6. In my opinion, in this case because of admitted position of parties there was hardly any need for evidence. It is the own case of the management that on 15-3-90, the concerned workman was found medically fit. Hence, in view of settlement dated 19-1-89, he was entitled for temporary status in C.P.C. scale. As such I find force in the case of the management and hold that concerned workman was entitled for the post of electric khalasi w.e.f. 15-3-90 after he had created the medical test and he will be entitled for temporary status.

7. I award accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 जून, 1997

क्र.सं. 1681—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नॉर्थ ईस्ट रेलवे लखनऊ के प्रबंधन के संबद्ध, नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-97 को प्राप्त हुआ था।

[सं० एल-41012/110/90-आई.आर.(डीयू) वी 2 (वी II)]

के० वी० वी० उन्नी, ईस्क अधिकारी

New Delhi, the 13th June, 1997

S.O. 1681.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Eastern Railway Lucknow and their workman, which was received by the Central Government on 12-6-1997.

[No. L-41012/110/90-IR (DU)/D.II (B)(B-I)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, DEOKI PALCE ROAD, KANPUR

Industrial Dispute No. 130 of 1991

In the matter of dispute :

BETWEEN

General Secretary
Purvottar Railway Shramik Sangh
6, Navin Market Kalsarbagh
Lucknow.

AND

Assistant Engineer N E R.,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-41012/110/90-IR (DU). D-II (B) dated 11-9-91 has referred the following dispute for adjudication to this Tribunal—

Whether the Assistant Engineer (East Lucknow) NER, Lucknow is justified in terminating the services of Sri Ram Manohar son of Sri Ram Sagar w.e.f. 21-12-84? If not what relief the workman concerned is entitled to?

2. The case of the concerned workman Ram Manohar is that he was engaged as a casual labour on 30-7-78, and continued to work upto 20-12-84 when his services were brought to an end. This termination is bad being in breach of Section 25-F of I. D. Act.

3. Management opposite party filed reply in which it has been alleged that the concerned workman was a daily rated worker, when he was sent for medical examination for regularisation he was found unfit. Hence, he was removed from service.

4. In the rejoinder nothing new has been said.

5. In support of his case the concerned workman has examined himself as WW-1 and has proved that he had continuously worked from 1978 to 1984 and had completed 240 days in a year. Yet no notice pay and retrenchment compensation was paid to him when he was removed from service. The management has not adduced any evidence.

6. Still the case of the management that concerned workman was found to be medically unfit has not been denied by the concerned workman. Hence this fact is found to be true. Thus it is found that the concerned workman was found unfit because of medical unfitness. Exception 2(bb)(oo) of I. D. Act says that when one suffers from continued ill health and removed from service it does not amount to retrenchment. Because of this provision it is held that the concerned workman has not actually been retrenched from services of the opposite party hence provisions of Section 25-F of I. D. Act are not available to him.

7. Accordingly my award is that when the concerned workman was removed from service because of medical unfitness, it is not a retrenchment and he is not entitled for any relief.

Dated 6-6-1997

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 जून, 1997

कां०आ० 1682.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम ए पी एस को-ऑपरेटिव कैंटीन, कलपक्कम के प्रबंधन के संबंध में नियोजकों और उनके बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-6-97 को प्राप्त हुआ था।

[सं० एल-42012/67/95-आई०आर० (डी०यू०)]

के० वी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 13th June, 1997

S.O. 1682.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Chennai as shown in the Annexure, in the industrial dispute between

the employers in relation to the management of MAPS Co-op. Canteen, Kalpakkam and their workman, which was received by the Central Government on 13-6-1997.

[No. L-42012/67/95-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,
CHENNAI

Chennai, the 22nd January, 1997

PRESENT:

Thiru S. Thangaraj, B.Sc. I.L.B., Industrial Tribunal.

Industrial Dispute No. 85 of 1996

On the matter of the dispute for adjudication under Section 16(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of MAPS Cooperative Canteen,

Kalpakkam)

BETWEEN

The workmen represented by:

The General Secretary,
Chennai Podhu Thozhilalar Sangam,
EWS 18/51, NII-J, Maraimalai Nagar,
Pin-603209.

AND

2 The Chief Superintendent,
Madras Atomic Power Station,
Kalpakkam-603102.

1. The Special Officer, MAPS Cooperative
Canteen, Kalpakkam, Chennai-603102

REFERENCE:

Order No. L-42012/67/95-IR(DU), Ministry of Labour,
dated 26-8-96, Government of India, New Delhi.

This dispute coming on for final hearing on this day, and the petitioner being absent, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue:

"Whether the action of the management of MAPS Co-operative Canteen, Kalpakkam, and Nuclear Power Corporation, MAPS, Kalpakkam in superannuating Shri S. Raghunatha Rao at the age of 58 years instead at the age of 60 years is just, proper and legal? If not, to what relief the workman is entitled to?"

Petitioner absent since 4-10-96. Petitioner called absent. Industrial Dispute dismissed for default. No costs.

Dated, this the 22nd day of January, 1997.

THIRU S. THANGARAJ, Industrial Tribunal

नई दिल्ली, 9 जून, 1997

कां०आ० 1683.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में वी० सी० सी० एल० के प्रबंधन के संबंध में नियोजकों और उनके बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं० 1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-97 को प्राप्त हुआ था।

[सं० एल-20012/178/91-आई०आर० (सी I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 9th June, 1997

S.O. 1683.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No.1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 6-6-97.

[No. L-20012|178|91-IR(C-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT
DHANBAD

PRESENT :

Shri T. Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.
Reference No. 146 of 1991

PARTIES :

Employers in relation to the management of
Mohuda Coal Washery of M/s. Bharat
Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—Shri N. Nath,
Advocate.

STATE : Bihar INDUSTRY : Coal Washery

Dated, Dhanbad, the 27th May, 1997

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(178)|91-I.R. (Coal-I), dated, the 9th December, 1991.

SCHEDULE

“Whether the management of Mohuda Coal Washery in Mohuda Area No. 2 of M/s. Bharat Coking Coal Ltd., is justified in denying pay scale of Technical and Supervisory Gr. ‘C’ to Sri Dhananjay Kumar, Asstt. Foreman w.e.f. 30-5-1986? If not,

to what relief the said workman is entitled?”

2. The order of reference from the Ministry was received in this Tribunal on 16-12-91. Thereafter notices were served upon the parties. The workmen appeared and filed its W.S. Subsequently on several dates the workmen neither turned up nor took any steps inspite of issuance of notices to them. But the management all along made their appearance and took all steps. It therefore leads me to an inference that the workmen are not interested to proceed further in this case. In the circumstances, I have no other alternative but to pass a ‘No dispute’ Award in this reference.

T. PRASAD, Presiding Officer

नई दिल्ली, 11 जून, 1997

का.आ. 1684.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स आई आई एस सी ओ के प्रबंधन के संबंध में नियोजकों और उनके बीच, अनुबंध में निर्विघ्न औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं-1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/6/97 प्राप्त हुआ था।

[सं. एल-20012/370/94/आई आर (सो-I)]
ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 11th June, 1997

S.O. 1684.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. IISCO and their workmen, which was received by the Central Government on 10-6-97.

[No. L-20012|370|94-IR(C-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)
(2A) of the Industrial Disputes Act, 1947.

Reference No. 118 of 1995

PARTIES :

Employers in relation to the management of
M/s. Indian Iron & Steel Co. Ltd.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.
For the Workmen.—None.

STATE : Bihar INDUSTRY : Coal

Dated, the 2nd June, 1997

AWARD

By Order No. L-20012|370|94-I.R. (Coal-I) dated 19-9-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Jitpur Colliery of M/s. IISCO Ltd., in denial of providing employment to Smt. Manorama Devi, widow of late Bachhu Singh (Pass No. 2818) as per the provisions of NCWA is justified? If not, to what relief Smt. Manorama Devi is entitled?”

2. The reference case was fixed on 11-6-1997 for hearing. But Sri B. Joshi, Advocate, appearing on behalf of the management on 2-6-1997 filed a memorandum of settlement. I have gone through the terms of settlement and I find them quite fair and reasonable. I allow the prayer and pass an award in terms of settlement. The memorandum of settlement shall form part of this award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

Before

The Presiding Officer,

Central Government Industrial Tribunal No. 1,
Dhanbad.

Reference No. 118|95

Employers in relation to the management of
Noonodih Jitpur Colliery of M/s. Indian
Iron & Steel Co. Ltd.

AND

Their Workmen.

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully sheweth,

1. That the issue involved in the present reference is extracted below :—

THE SCHEDULE

“Whether the action of the management of Jitpur Colliery of M/s. IISCO Ltd. in denial of providing employment to Smt. Monorama Devi widow of Late Bachhu Singh (P. No. 2818) as per the provisions of NCWA is justified? If not to what relief Smt. Monorama Devi is entitled?”

2. That the above dispute has been amicably settled between the parties on the following terms.

TERMS OF SETTLEMENT

- (a) That the sponsoring union as well as the concerned lady Smt. Monorama Devi, will not advance any claim for her employment as a dependant of Late Bachhu Singh. Accordingly no dispute exists in the matter of providing employment to Smt. Monorama Devi.
- (b) That the management agrees to consider for providing employment as per seniority list maintained by Co. on the principle of first death first serve to the dependant son of Late Bachhu Singh, after completion of necessary formalities in case the said dependant son will be found suitable for employment. He will be medically examined for assessment of his age and physical fitness and his case will be considered after he will be cleared by the medical board adjudging him suitable for job at the underground of coal mine.
- (c) That neither the concerned lady nor the sponsoring union or any union on the behalf will claim any relief from the management arising out of the present dispute.

3. That in view of the aforesaid settlement, there remains nothing to be adjudicated.

Under the facts and circumstances stated above, the hounorable Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the award in terms of the settlement.

For the workmen :

- (1) Ramjit Singh
- (2) Monorama Devi

For the employers :

- (1) M. F. Sharma, A.G.M.(J)
- (2) U. Dutta, Manager (PL)

Witnesses :

- (1) Satish Ch. Jha,
4278, Welfare Inspector,
Jatpur Collieries.
- (2) Kartick Ch. Roy
4519 S. Clerk (PL.)

नई दिल्ली, 9 जून, 1997

का. आ. 1685.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्श्योरेंस को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार का 06-06-97 को प्राप्त हुआ था।

[मं. एल-17011/27/89-आई आर (बी-II)]
सानतन, डैस्क अधिकारी

New Delhi, the 9th June, 1997

S.O. 1685.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workmen which was received by the Central Government on 6-6-97.

[No. L-17011/27/89-IR (B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 308 of 1989 :
In the matter of dispute :
BETWEEN :
Rajendra Kumar Kashyap,
S/o Sri Ram Gulam,
House No. 119/159 Om Nagar,
Kanpur.

AND

The Senior Divisional Manager,
National Insurance Company Limited,
16/26 Mall Road,
Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-17011/27/89-IR (B-II) dated nil has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of National Insurance Company Limited Kanpur in terminating the services of Sri Rajendra Kumar Kashyap w.e.f.

15-5-87 without paying him any compensation under the provisions of the Industrial Disputes Act, 1947 is justified? If not, to what relief the workman concerned is entitled?

2. The case of the concerned workman Rajendra Kumar Kashyap is that he was engaged as sub staff on 18-7-86 by the opp. party National Insurance Company Limited as a regular employee and he continuously worked upto 15-5-87 when he made a claim for equal pay for equal work his services were dispensed with. At the time of retrenchment Kishore Shukla and Shanker Singh who were junior to him were retained in service. Hence there has been breach of Section 25-F, 25-G and 25-H of I. D. Act.

3. The opposite party has filed reply in which it has been alleged that Branch Manager had no right to employ the applicant. Instead the appointing authority is the Regional Manager. As such his appointment was bad. Further the concerned workman did not work continuously and he had not completed 240 days. He was required to work, according to exigency of work.

4. In the rejoinder nothing new has been said.

5. In support of his case Rajendra Kumar Kashyap WW-1 and P. P. Sharma have been examined. There is no documentary evidence. In rebuttal there is evidence of V. C. Agrawal MW-1 an officer of the bank besides there is Ext. M-1 to M-46 vouchers through which the concerned workman was paid.

6. It is not denied that concerned workman was appointed by the branch manager. While according to rules the appointing authority is the Regional Manager, hence the engagement of the concerned workman was by an unauthorised person.

7. On merits the concerned workman Rajendra Kumar Kashyap has stated that he had worked for 302 days in an year whereas Vinod Chandra Agrawal M.W.1 has stated that the concerned workman has worked for 134 days. This fact is corroborated with the voucher Ext. M-1 to M-46. The concerned workman has further sworn that although he had himself rendered the work vouchers were being paid in the name of others. I am not inclined to accept this evidence as it is beyond the pleading.

8. In the end relying upon evidence of Vinod Chandra Agrawal supported by vouchers it is held that concerned workman had not completed 302 days in a year. Instead he had completed 134 days. In this way provisions of section 25F of I.D. Act, are not attracted.

9. There is neither any pleading nor any proof regarding breach of section 25H of I.D. Act, hence this point is also decided against the concerned workman. However, the concerned workman has specially pleaded that junior to him like Kishore Shukla and Shanker Singh were retained in services when he was removed. There is no rebuttal. Hence, I accept the un rebutted evidence of the concerned workman and hold that when he was removed from service Kishore Shukla and Shanker Singh were retained in service. In the case of Central Bank of India versus Satyam & Others 1996 Lab. IC 2248 (SC) it has been held by the Hon'ble S.C. that provisions of section 25G and 25H of I. D. Act, are independent to that of Section 25-F of I. D. Act and therefore for attracting the provisions of section 25G of I.D. Act it is not necessary that a workman should have completed 240 days. Thus provisions of section 25G of I.D. Act are available to the concerned workman. Hence my finding is that retrenchment of the concerned workman being is in breach of section 25G is bad in law. Still in view of the fact that his initial appointment was bad in law having been not made by Regional Manager, he will not be entitled for reinstatement. Instead a sum of Rs. 5000 would meet the ends of justice.

10. Hence my finding is that no doubt removal from service of the concerned workman is bad but he will not be entitled for reinstatement. Instead he will be entitled for Rs. 5000 as compensation instead of reinstatement.

Dated : 2-6-1997.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 जून, 1997

का.आ. 1686.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनिऑन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध सियोजनों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I मुम्बई के पंचाट को प्रवाणित करती है, जो केन्द्रीय सरकार को 5-6-97 को प्राप्त हुआ था।

[स. एन-12012/33/92-आई आर (बी-II)]
सनातन, डैस्क अधिकारी

New Delhi, the 9th June, 1997

S.O. 1686.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 5-6-97.

[No. L-12012/33/92-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer

Reference No. CGIT-1/52 of 1992

PARTIES :

Employers in relation to the management of Union Bank of India.

AND

Their Workmen

APPEARANCES :

For the Management—Shri S. N. Verma, Officer.

For the Workman—No appearance.

STATE :

Maharashtra.

Mumbai, dated the 2nd day of September, 1996

AWARD

Shri S. N. Verma for management. He has filed a copy of the power of attorney along with original power of attorney. The original has been returned to him today. The workman Shri A. M. Gohil is not present. He was not present on 7-6-95 and on that a Clerk of his Advocate Shri Udeshi appeared. A Clerk is not empowered to act, appear or plead for a party, who is to be represented by an Advocate. Actually, the matter could have proceeded ex parte on that very date but I preferred to issue notice to workman to appear and prosecute his claim. Notice was served on him for appearance on 12-8-96 but he has chosen to remain absent inspite of service and hence the matter was directed to proceed ex parte against him vide order sheet dated 12-8-96. Shri S. N. Verma has filed documents pertaining to domestic enquiry, in consequence of which the workman was dismissed from service.

1544 GI/97—10

The appropriate Government has, on failure of conciliation, referred the following dispute for adjudication to the Tribunal :—

“Whether the action of the management of Union Bank of India in dismissing Shri A. M. Gohil from the services of the Bank vide order dated 15-2-85 is justified? If not, to what relief the workman is entitled to?”

Shorn of unnecessary details, the undisputed facts of the case are that Shri A. M. Gohil was initially appointed as a temporary Sweeper under the management. He was made permanent in 1969. In January 1981, he came to be promoted as Peon cum Hamal. His services were terminated in 1982 on charges of absence for four months. However, he was reinstated in service on humanitarian grounds on 2nd June, 1983 vide order dated 19th May, 1983.

The workman, however, absented himself from 6th June, 1983 unauthorisedly. He did not report back on duty thereafter. However, the workman made a request for transfer elsewhere on certain personal grounds. This was not acceded to. By a letter dated 14th June, 1983, the workman was directed to report on duty, but he did not join. He was again asked by letters dated 29th June, 83, 6th August 83 to report on duty but he did not do so. Hence, vide letter dated 22-8-83, disciplinary action was decided to be taken against Shri Gohil. Lastly by letter dated 19th September 1983, he was once more required to report on duty but he did not comply. On 12th January 1984, a show cause notice was issued to the workman why disciplinary action he not initiated against him. Some more letters were sent to him and eventually a chargesheet dated 24th March 84 was served on him. An Enquiry Officer was duly appointed and notices of enquiry was served on the workman but he deemed it proper not to participate in the enquiry.

Evidence was recorded by the Enquiry Officer ex parte and the Enquiry Officer found the charges provided. It may be stated that the Enquiry Officer was also the competent Disciplinary Authority.

The Disciplinary Authority vide his letter dated 5th February 1985 issued a notice for personal hearing to the workman and sent a copy of the enquiry report but again the workman chose not to appear on the date fixed i.e. 15th February 1985, with the result that the Disciplinary Authority passed the impugned order of dismissal.

I have perused the record of domestic enquiry. I find that a legal, fair and proper domestic enquiry was held against the workman. He chose to remain absent at his own peril. The charges are amply proved against him and he remained unauthorisedly absent from duty for a long period. His insistence was that he may be transferred to a particular branch and the said request had been turned down and inspite of repeated directions to join, he did not report on duty. Hence, the charge is very well established. The punishment inflicted is most just and proper in the circumstances of the case.

The workman raised certain objections regarding the competence of the Disciplinary Authority, which is not well taken in view of the authorisation letter dated 9th April, 1984, placed on record by the management. His next contention was that the enquiry authority assumed the role of disciplinary authority. A disciplinary authority is empowered to hold an enquiry himself and hence there was no question of the enquiry authority assuming the role of disciplinary authority. It was the other way round and actually the disciplinary authority himself conducted the enquiry, labelling himself as enquiry officer, which is neither illegal, nor improper in any way.

As already stated, the punishment, in the circumstances of the case was neither excessive nor shocking. I, thus find no merit in the claim of the workman and reject the same ex parte. An award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 9 जून, 1997

का.अ.० 1687—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-06-97 को प्राप्त हुआ था।

[सं. एन-12012/250/92-मार्च आर. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 9th June, 1997

S.O. 1687.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New Bank of India and their workmen which was received by the Central Government on 6-6-97.

[No. I-12012/250/92-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU, NAGAR KANPUR

Industrial Dispute No. 147 of 1992

In the matter of dispute :

BETWEEN

Kamlesh Chaturvedi,
General Secretary,
New Bank of India,
Staff Union, 128/F/75,
Kidwai Nagar Kanpur.

AND

Regional Manager,
New Bank of India,
94M Mahatma Gandhi Road,
Lucknow.

AWARD

1. Central Government Ministry of Labour New Delhi vide its notification No. L-12012/250/92 dated 4-12-92 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of Regional Manager, New Bank of India, Lucknow of terminating the services of ex-employee Sh. Ganga Ram w.e.f. 4-2-89 is justified? If not what relief the workman is entitled to?

2. The case of Ganga Ram is that he was appointed on 10-2-87 at Ghatampur branch of New Bank of India which has now been merged with the opposite party Punjab National Bank on 1-9-93. He continuously worked in the subordinate cadre upto 4-2-89 when he was removed from service without payment of retrenchment compensation and notice pay. He was required to work for shifting of accounts books, movement of files, providing drinking water, purchase of stationery and posting of dak. After his removal new hands was engaged but he was not given opportunity. Hence his removal is in breach of Section 25F and 25H I.D. Act.

3. The opposite party has filed reply in which it has been alleged that he was engaged for lifting of water which was meant for drinking and he was paid Rs. 15 as wages. Since he was a daily rated worker question of removal from service does not arise.

4. In the rejoinder nothing new has been said.

5. In support of his case Ganga Ram examined himself as WW(1) besides he has filed Ext. W-1 to Ext. W-46. In rebuttal there is evidence of Asstt. Manager Prem Narain Tripathi MW(1).

6. The plea of breach of Section 25H I.D. Act cannot be entertained as there is no reference to this effect. In the case of Karnal Central Co-operative Bank Ltd. V/S Industrial Tribunal Rohtak & other Punjab and Haryana High Court F.L.R. 1994 (69) 1006 it has been laid down that without specific reference plea of breach of Section 25H I.D. Act can not be adjudicated.

7. Now it will be seen there has been breach of Section 25F I.D. Act. The concerned workman Ganga Ram WW(1) has stated that he had continuously worked from 10-2-87 to 4-2-89. There are Ext. W-1 to Ext. W-46 which go to show that work of subordinate cadre staff was being taken from the concerned workman. This fact is further corroborated from joint inspection report dated 14-6-96 that the concerned workman was required to make purchases and other work which was done by pcon. In rebuttal there is evidence of Asstt. Manager Prem Narain Tripathi who has stated that the concerned workman was engaged from Feb. 87 to Dec. 87 for supply of water. I am not inclined to believe his statement as it is belief from joint imposition report dated 14-6-96 according to which the concerned workman had worked even beyond Dec. 87. Apart from this at the time of joint inspecting despatch work was sought to be inspected, but it was not produced that would have shown that concerned workman was doing the work of dak as well. In its absence I am inclined to draw adverse inference. Thus taking to the consideration the above fact in favour of the workman, I believe his version accordingly it is held that the concerned workman was engaged in Sub-Staff Cadre on day to day basis and he has completed 240 days in a year. Admittedly no retrenchment compensation and notice pay has been given to him. Hence his termination is bad in law, being breach of Section 25F I.D. Act. Hence my award is that the termination of concerned workman w.e.f. 4-2-89 is bad and he is entitled for reinstatement with back wages according to rates and terms and condition on which he was being paid wages at the time of removal from service.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 जून, 1997

का.अ.० 1688—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, [धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-06-97 को प्राप्त हुआ था।

[सं. एन-12011/23/93-मार्च आर. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 11th June, 1997

S.O. 1688.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, I, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 10-6-1997.

[No. I-12011/23/93-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 151 of 1994

PARTIES :

Employers in relation to the management of Central Bank of India,

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES :

For the Employers—None.

For the Workmen—None.

STATE : Bihar

INDUSTRY : Banking

Dated, the 3rd June, 1997

AWARD

By Order No. L-12011/23/93-U.R. (B-II) dated 29-6-1994 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Central Bank of India, Ranchi in not converting the following permanent part-time sub-staff into full-time sub-staff is justified ? If not, what relief are these workmen entitled to ?”

1. Shri R. S. Thakur,
2. Shri Subhash Sonkar,
3. Shri Sunil Kumar Saha,
4. Shri Sawpan Kumar Chakraborty,
5. Shri Uday Pratap Singh.

2. The order of reference was received in this Tribunal on 4-7-1994. Both the parties filed their respective written statement. Thereafter the sponsoring union stopped appearing in this case on behalf of the workmen. Despite two notices sent by registered post none appeared on behalf of the workmen to take any step since December 1994. It, therefore, appears that neither the sponsoring union nor the concerned workmen are interested to prosecute the present industrial dispute.

3. Therefore, I render a 'no dispute' award in the present reference case.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 12 जून, 1997

का.आ. 1689.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्गण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबंध में सिद्धि औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - I, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-06-97 को प्राप्त हुआ था।

[सं. एन-12012/396/94-आई आर (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 12th June, 1997

S.O. 1689.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 11-06-97.

[No. L-12012/396/94-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

REFERENCE NO. CGIT-27 OF 1995

PARTIES :

Employers in relation to the management of Bank of India

AND

Their Workmen

Appearances :

For the Management : Shri D'Souza, Advocate.

For the Workmen : Shri A. B. Vartak.

STATE : Maharashtra

Mumbai, dated the 28th day of May, 1997

AWARD

The appropriate Government by its letter dated 4th July, 1995 has referred the following disputes for adjudication to this tribunal.

“(1) Whether the demand of the Bank of India Workers Organisation, Pune on the management of Bank of India, Pune for appointment of Shri G. B. Chavan Part-time sweeper as Full time Sweeper w.e.f. 12-9-89 with full time wages and other incidental benefits is legal and justified ? If so, what relief is the said workman entitled to ?”

(2) Whether the action of the management of Bank of India, Pune in transferring Shri G. B. Chavan, Part-time Sweeper from RCC, Pune to Pashan branch during the pendency of conciliation proceeding is legal and justified ? If not, what relief the said workman entitled to ?”

2. Shorn of unnecessary details the case of organisation is that Shri Chavan was working as Sweeper at R.C.C. Pune from 12-9-89. He was cleaning and sweeping the area of RCC, Pune and was being paid 3/4 scale wages at R.C.C., Pune from 12-9-89.

3. The case of the organisation further is that working hours of sweepers in bank were fixed according to the area being swept/cleaned by him as follows :

Area of the premises	Hours of work for sweeper
Upto 500 sq. ft.	Less than 6 hours.
501 to 1250 sq. ft.	6 hours to 13 hours.
1251 to 2000 sq. ft.	more than 13 hours upto 19 hours.
2001 to 2750 sq. ft.	more than 19 hours to 29 hours.
2751 to 3500 sq. ft.	Full-time.

4. The case of the organisation is that area to be cleaned/swept at RCC Pune was 2921.67 sq. ft. entitling the workman to whole time wages as a full time sweeper. It was pleaded that the workman inspite of the above fact was being paid only 3/4 scale wages w.e.f. 12-9-89. He was cleaning and sweeping the total area of RCC Pune. The organisation demanded appropriate wages for full time scale vide its letter No. PN/93/14/12-3-93 (Annexure 3). It was pleaded that the bank violated its own guide lines regarding payment of whole time wages to Shri Chavan and therefore the organisation was compelled to serve a strike notice dt. 3-4-93 to the Asstt. Labour Commissioner (C) Pune, to intervene in the matter and held conciliation proceedings. During the conciliation proceeding bank paid the difference between full time wages of Shri Chavan for the period 15-8-92 to 31-8-93. It was pleaded that the bank transferred Shri Chavan to 3/4 scale post at Pashan Branch during the conciliation proceedings on 10-5-93 and consequently his salary was reduced from full time scale to 3/4 scale wages. It was alleged that this step was taken with a view to victimise the workman. The service condition of Shri Chavan were changed by this transfer and this was a clear violation of the provisions of section 33 of the I.D. Act 1947. Upon such averments the organisation claim as follows :

- A. This Hon'ble tribunal may be pleased to hold that the demand of Bank of India Workers' Organisation, Pune on the Management of Bank of India, Pune for appointment of Shri G. B. Chavan, Part-time sweeper, as Full-time Sweeper w.e.f. 12-9-89 with Full-time wages and other incidental benefits is legal and justified.
- B. The Hon'ble Tribunal may be pleased to hold that the action of the management of Bank of India, Pune, in transferring Shri G. B. Chavan Part-time Sweeper from RCC, Pune to Pashan Branch during the pendency of Conciliation Proceedings is illegal and not justified.
- C. That this Hon'ble Tribunal may be pleased to hold that Shri G. B. Chavan should be treated as Full-Time sweeper at Pune RCC from 12-9-89 and be paid all wages accordingly.
- D. All incidental benefits entitled to him due to his employment as Full-Time sweeper should be given to him from 12-09-89.
- E. The Bank should be directed to pay Full-Time wages to Shri Chavan within pendency of Conciliation proceedings (i.e. from 10-05-93) to 12-10-94 date of FOC).
- F. That proper action should be taken against the Zonal Manager, Bank of India, Pune Zone as per section 25U of I.D. Act for violation of Sec. 25T.
- G. That proper action should be taken against the Zonal Manager, Bank of India, Pune Zone, for violation of Sec. 33 of I.D. Act, 1947.
- H. Or otherwise, this Hon'ble Tribunal to add and/or amend this statement of claim as and when necessary with your kind permission."

5. The case of the Bank is that workman had been appointed to sweep and clean the premises of the Bank w.e.f. 12-9-89 on 3/4 scale of wages. It was pleaded that the total carpet area of Bank at RCC Pune comprised of 2921.67 sq. ft. but out of the said premises a portion, admeasuring 238.57 sq. ft. had been allotted, to the Officers Association and this part of the premises was not being utilised by the Bank for official work and Shri Chavan was not required to sweep or clean the aforesaid portion which was in possession of the Officers Association. The Officers Association had made their own arrangements for cleaning and sweeping of the said premises admeasuring 238.57 sq. ft. It was asserted that Shri Chavan was cleaning only 2683.00 sq. ft. It entitled him to a payment of 3/4 scale wages in terms of Banks guidelines referred to earlier.

6. It was pleaded that Officers Association vacated the premises occupied by them on 14th August, 1992. Thus the total carpet area of the Regional Collection Centre, Pune requiring cleaning and sweeping became 2921.67 which necessitated appointment of a full-time sweeper as per the

bank's norms. It was pleaded that due to inadvertence the Bank continued to employ service of the workman till 9th May 1993 from after the date the Officers Association vacated the portion in its possession. However, the Bank paid the workman difference of salary for this period.

7. It was pleaded that since Shri Chavan was in the 3/4 scale of wages he was transferred to the Pashan Branch having a post in said scale and Smt. S. M. Dhawade who was already full time sweeper at Banks Pune Branch, was transferred to the RCC. It was denied that there was any victimisation. It was denied that the service conditions of the workman were changed in any manner or that any action was required against the Zonal Manager of the Bank for transfer of the workman during the pendency of the conciliation proceedings.

8. Both the sides have filed some documentary evidence. The organisation has not filed any oral evidence. On behalf of Bank, Shri Datta Sadashiv Ketkar has been examined as MW-1. His affidavit was filed in lieu of examination-in-chief and he was cross-examined at length by the Organisation's representative.

9. I have heard the learned counsel for the parties and have perused the record. The first question to be decided is whether the workman Mr. Chavan was required to sweep an area in excess of 2750 sq. ft. with effect from the date of his appointment in the RCC Branch. As already stated, the Bank has very stoutly contested this position by pleading that a part of the Bank's premises were in occupation and possession of the Officers Association and such a portion measured 238.59 sq. ft. and the workman was not required to clean or sweep the same and was not cleaning or sweeping the same.

10. The organisation was required to prove its averment that the workman had been sweeping and cleaning an area in excess of 2750 sq. ft. and was entitled to whole time wages as a full time sweeper. Admittedly, there was no post of whole-time sweeper at the RCC branch when the workman was appointed. In 1987 II LLN 968 V.N.S. Engineering and Services Company v/s. Industrial Tribunal, Goa, Daman and Diu and another a division bench of the Bombay High Court held that the obligation to lead evidence to establish an allegation made by a party is on the party making the allegation.

The said Division Bench has ruled that the party who raises Industrial Dispute is bound to prove the contention and challenges raised by it. In the present case, as stated already, there is no evidence on record to show that workman Chavan was actually sweeping or cleaning an area in excess of 2750 sq. ft. On the contrary, there is an affidavit of Shri Dattatray Sadashiv Ketkar MW-1 states as under :

"I say that Shri G. B. Chavan the workman involved in the present reference was posted as part time sweeper on 3/4 scale wages at the RCC Branch with effect from 1st September, 1989. I say that the services of Shri Chavan were utilised at the Bank RCC Pune. I say that the total carpet area of the RCC Branch is 2921.67 sq. ft. out of which a portion of the premises admeasuring 279.82 was allotted to the Officers Association and the said premises were not being utilised by the Bank for official work. I say that the services of Shri Chavan was not extended to the area occupied by the Officers Association and then said that the Association had made their own arrangement of cleaning and sweeping the premises occupied by them.

I say that the area of RCC is 2683 sq. ft. approximately which entitled him for payment of 3/4th scale wages in terms of Bank's guidelines dated 28th January, 1986."

This witness has been cross-examined at length. But, nothing has come out in evidence which may go to demolish the statement made in examination-in-chief. During the course of cross-examination a suggestion was given to him that the Bank had artificially separated Officers Association portion from the Bank with a view to deprive the workman of full time wages. The witness stoutly refuted the suggestion.

11. As already stated Mr. Chavan has not been examined to say that cleaning the entire premises including the portion in possession of the Bank Officers Association. In view of the evidence of Mr. D. S. Karkar and in view of the fact that Chavan has not attempted to prove the allegation made by the Organisation, the organisation has failed to establish that the workman was sweeping an area in excess of 2750 sq. ft. for the period 12-9-89 till 14-8-92. As such there arises no question of the claim of paying whole time wages to the workman Chavan.

12. Moreover, it is to be noticed that demand was raised belatedly i.e. as late as 12-2-93. There is no explanation, good, bad or indifferent for this delay and this delay remains wholly unexplained. This is true that the law of limitation does not apply to proceedings under the I. D. Act but by judicial pronouncements, it has been laid down that there should be no inaction on the part of the workman or the union espousing the cause and if there has been a delay then the delay would defeat the action. This view was taken in 1997 I LLN 937 R. Ganesan v/s. Union of India by learned Single Judge of the Bombay High Court. In my opinion, inordinate delay in raising this claim disentitles the organisation from getting any relief on this count.

13. This is true that the workman was inadvertently allowed to continue till his transfer to sweep the premises which was earlier part of the Officers Association by cession for the said portion of the Bank in their possession. However, the Bank has pointed out that the workman has been paid wages as a whole time sweeper, for the period he actually cleaned the entire premises of the Bank and this fact has not been controverted by the organisation.

14. Now, the question is whether the Bank was not entitled to transfer workman during the conciliation proceeding and by transferring him changed his conditions of the service. Admittedly, the workman was in the 3/4th scale of wages of pay and had never been employed as a whole time sweeper. He was transferred to Pashan Branch on 3/4th wages scale sweeper and one Mrs. S. M. Dhawde was transferred to the RCC, since she was already working as a whole time sweeper. As and when the post in RCC got converted to that of whole time sweeper, a duly whole time appointed sweeper was transferred. Consequently, it was but natural to transfer the workman from RCC to Pashan Branch because he could not have continued at the RCC as a whole time sweeper, not having been appointed in the capacity of whole time sweeper. He was at best merely a Usurper of office in the RCC Branch and therefore, the Bank was wholly justified in sending him to a Branch where the post of 3/4th scale wage sweeper was lying vacant. I do not think by doing so the Bank had altered the terms and conditions of the services of the workman or in doing so committed any mistake or wrong. Rather it, would have been in wrong to allow the workman to continue at RCC even after discovering that he was not entitled to hold the post of whole time sweeper. It is not the case of the organisation that the workman had been ever selected and appointed against the post of a whole time sweeper. When it is so, the averment that the service conditions of the workman were changed during conciliation proceedings holds no water and deserves to be rejected.

15. I do not think that any action is called for, against the Officers of the Bank for the action that they have taken.

16. In view of what I have stated above, I find that the claim of the organisation is entirely misconceived and reserves to be rejected with cost. It is so rejected.

17. Award made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 12 जून, 1997

का.प्र.० 1690.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधक के अंतर्गत निरीक्षकों और उनके कर्मचारियों के बीच, अंतर्बंध में निर्दिष्ट औद्योगिक

विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-06-97 को प्राप्त हुआ था।

[सं एन-12012/173/84-डी II (ए)]

मनातन, डैस्क अधिकारी

New Delhi, the 12th June, 1997

S.O. 1690.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 11-6-1997.

[No. L-12012/173/84-D.II (A)]
SANAFAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Thursday, the 30th day of January, 1997

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal.

Industrial Dispute No. 57 of 1990

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Indian Bank, Madras)

BETWEEN

The workman represented by

The General Secretary,
Indian Bank Employees Association,
55, Linghi Chetty Street,
Madras-600001.

AND

The Chairman and Managing Director,
Indian Bank, 31, Rajaji Salai, Madras-600001.

REFERENCE :

Order No. L-12012/173/84-D.II (A) Ministry of Labour, dated July 1990 Government of India, New Delhi.

This dispute coming on for final hearing on Friday, the 6th day of December, 1996, upon perusing the claim, Counter statements and all other material papers on record and upon hearing the arguments of Tvl. K. Chandru and D. Bharathy, Advocates appearing for the petitioner and of Thvl. Aiyar and Dolia and R. Arumugam, Advocates appearing for the Respondent and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

The Government of India, Ministry of Labour Department in Order No. L-12012/173/84-D.II (A) July 1990, have referred this I. D. u/s. 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal to adjudicate the following issue :

"Whether the action of the management of Indian Bank Madras in awarding the punishment of stoppage of three increments with cumulative effect falling due on 29-4-84 and 29-4-85 to Shri K. Ramachandran, Clerk/Shroff Vellore is justified? If not to what relief the workman is entitled to?"

2. On service of notices, the petitioner and the respondent have appeared before this Tribunal and have filed their claim statement and counter statement respectively.

3. The main averments found in the claim statement filed by the petitioner are as follows :

The workman Shri K. Ramachandran was appointed as a Clerk/shroff in the Vellore branch of the respondent bank in the year 1974. He was charged stating that he could not reconcile the accounts as there was a shortage of Rs. 36,000. The Branch Manager gave a Police complaint and a criminal case in C.C. No. 11/78 on the file of the Judicial Magistrate

Vellore was filed. Ultimately the learned Magistrate by his judgement dated 22-3-1979 acquitted the petitioner of the charges framed against him. The management framed charges against the workman and a domestic enquiry was held, the workman represented to the management that they were stopped from holding an enquiry since for the very same charge he has been acquitted by the criminal court. However the management conducted the enquiry and in the domestic enquiry three witnesses were examined on the side of the management and all the three of them had already deposed in the criminal court. The documents to be relied on by the management were demanded by the workman and the same were not furnished to him. The enquiry officer in his report dated 25-10-82 found the workman guilty of the charges. On the basis of the enquiry findings the respondent a second show cause notice to the workman and he offered his explanation. Not satisfied with the explanation offered by the workman the management imposed a punishment of stoppage of three increments with cumulative effect. The appeal filed by the workman was also rejected by the appellate authority. The respondent has no jurisdiction to initiate disciplinary action especially when he was found not guilty and acquitted of the charges by the criminal court. The workman had to wait for 2 years for the enquiry after waiting for 5 years in the criminal court and therefore the respondent is guilty of laches. The failure to give copies of documents shows that the principle of natural justice has not been followed. The enquiry officer closed the evidence without considering the request of the workman for adjournment. The enquiry officer has failed to see that the witnesses deposed before him have also deposed in the criminal court and the case was acquitted. The enquiry officer was biased towards the workman. There was no proof of entrustment of cash to the workman and the enquiry officer has not considered the same in his findings. The findings of the enquiry officer was not based on valid reasons. Award may be passed setting aside the punishment imposed by the management.

4. The main averments found in the counter statement filed by the respondent are as follows :

On 19-7-76 the workman was entrusted with the gate keys of Vellore branch of the respondent bank. When verified he could not account for Rs. 35,000 and a criminal case was filed before the Judicial Magistrate, Vellore. The order of acquittal passed by the Criminal Court will not go against the case of the management in the domestic enquiry since they are two separate proceedings. The show cause memo was issued to him on 30-7-76 and was charge sheeted on 23-9-76 and there was no delay in framing the charges against the workman. The enquiry officer who was appointed at the first instance was subsequently transferred out of Madras and another officer was appointed in his place. Both in law and under the award and settlements relating to banks there is no prohibition to proceed against the employees departmentally when he was acquitted in a criminal proceedings. Para 19.3 of the bipartite settlement over rides the provisions of para 505 of the Sastri Award. During the enquiry all the documents were made available to the petitioner by the respondent bank. The principle of natural justice was followed in the enquiry and the workman had availed of all the opportunities in the enquiry. The workman had cross-examined the witnesses examined on the side of the management. The contention of the petitioner that the enquiry officer was biased cannot be accepted. He had conducted the enquiry in an impartial manner throughout. The enquiry officer has also given cogent reasons for coming to the conclusion that the workman is guilty of the charge. The findings of the enquiry officer are based on oral and documentary evidence and it cannot be termed as biased. The workman was imposed with the punishment of stoppage of 3 increments with cumulative effect for the proposed act of misconduct as it fall within 10.5(i) of the provisions of the bipartite settlement. The enquiry conducted against

the petitioner was fair and proper and the punishment imposed on him is not excessive. Therefore, the I. D. may be dismissed.

5. Exs. W-1 to W-15 have been marked on the side of the petitioner. Ex. M-1 to M-15 have been marked on the side of the respondent. No witness was examined on both sides.

6. The Point for our consideration is : Whether the action of the management of Indian Bank, Madras in awarding the punishment of stoppage of three increments with cumulative effect falling due on 29-4-83, 29-4-84 and 29-4-85 to Shri K. Ramachandran, Clerk/Shroff, Vellore is justified ? If not, to what relief the workman is entitled to ?

7. Shri K. Ramachandran was working as Clerk/Shroff in the Indian Bank, Vellore (NA) on 19-7-76 he was entrusted with the bank's money and while accounting the same there was shortage of Rs. 35,000. As the same was found to be an act prejudicial to the interest of the bank and a gross misconduct a charge under para 19.3 of the bipartite agreement has been framed against the workman. On 30-7-1976 a show cause notice Ex. M-1 was issued to the workman. In his reply Ex. M-2 he has clearly stated or has admitted that he was negligent in discharging his duties while he was working in the cash section on 19-7-76, and that he has stated he has not misappropriated even a single pie of the bank money. This admission of the workman would go to show that he has admitted that he was negligent in discharging his duties. The charge framed against the workman is marked as Ex. M-3. The proceedings of the enquiry are marked as Ex. M-4. The workman has contended that sufficient opportunity was not given to him in the enquiry proceedings and that the list of documents has not been furnished to him. However a perusal of the enquiry proceedings go to show that the workman had every opportunity to peruse and make use of the documents relied on by the management during the enquiry. The contention of the workman that he was not given sufficient opportunity to cross-examine MW-1 also cannot be accepted. He had every opportunity to cross-examine MW-1. In fact he did cross-examine him. Though the enquiry officer has denied his request for adjournment it has not caused any prejudice to the workman. The contention of the workman that the enquiry officer was biased has not been substantiated. It seems that the enquiry officer has followed the principle of natural justice and he had given all opportunities to the workman to cross-examine the witness examined on the side of the management and also to put forward his own defence. The findings of the enquiry officer marked as Ex. M-7 cannot be termed as perverse. The workman had given an elaborate written submissions marked as Ex. M-6. The Enquiry Officer has considered all the significant reasons in his enquiry report and had come to the conclusion. It cannot be said that the enquiry findings are perverse. A perusal of the record would go to show that the principles of natural justice have been followed in the enquiry proceedings and the findings of the enquiry officer is fair and proper.

8. The main contention of the petitioner union is that the workman was acquitted for the same charge by the Additional First Class Magistrate, Vellore in C.C. No. 11/78 by judgement dated 23-2-1979. The copy of the judgement is marked as Ex. W-3 on the side of the workman. The learned Magistrate has held that there was no sufficient proof for entrustment of Rs. 35,000 to the workman. It was argued on the side of the workman that the same witnesses were examined in the departmental enquiry and when once the learned Magistrate has held that the entrustment has not been proved the findings of the enquiry officer that charge has been proved on the evidence of the very same witnesses cannot be accepted. To substantiate his contention the workman has drawn my attention to few decisions. In Management of Singareni Collieries Ltd., Vs. Industrial Tribunal (C) Hyderabad (1989 II LLJ 608) the Andhra Pradesh High Court held at page 610 as follows :

"The judgement of the criminal court is a decision on merits acquitting the accused workers. The acquittal is not on any technical grounds. The disciplinary authority is bound to take into account the judicial pronouncement of the criminal court and give due weight."

In the Tirunelveli Tuticorin Electric Supply Co. Ltd., Tirunelveli Vs The Industrial Tribunal, Madras 1975 1 LLJ P. 304 it has been held as follows :

"It has been repeatedly held by this Court as well as the other High Courts that then the complaint has been the subject matter of proceedings in Criminal Court and the Criminal Court has come to a conclusion with reference to the complaint, it is not open to any domestic tribunal to come to a contrary conclusion with regard to the identical subject matter in a domestic enquiry. The position would have been different if the Criminal Court has not come to any conclusion on merits but decided in favour of the accused on a technical ground. On the other hand if the Criminal Court acquits an accused on merits, finding him innocent, it is certainly not open to any Tribunal much less an officer in domestic enquiry, to find him guilty of the very same charge."

In Radhakrishna Mills Ltd., Vs. Labour Court, Coimbatore (1960 II LLJ 678) at page 680 it has been held as follows :

"On 25. February 1956 the Sessions Judge on an elaborate consideration of the evidence had acquitted Subbia of the offence charged. It was nearly one year and six months after the acquittal by the Sessions Judge that the management resurrected the disciplinary proceedings initiated against Subbiah and passed the order of dismissal. It does not appear that the management ever paid any regard to the finding arrived at by the Sessions Court. It is needless to say that action of the management of in dismissing Subbiah even after his acquittal by the Criminal Court was anything but mala fide."

Their Lordships of the High Court of Kerala had occasion to deal with the difference between Criminal Court's decision and also the decision of the disciplinary authority in T. V. Gowda Vs. State of Mysore, 1975 II LLJ 513 and held :

"An order of Criminal Court acquitting an accused on the merits of the case, would not bar the disciplinary authority from holding him guilty and imposing punishment in disciplinary proceedings under the Mysore (Karnataka) Civil Services, (Classification Control and Appeal) Rules on the basis of the same facts and acquisitions in respect of which he was tried and acquitted by the Criminal Court."

Our High Court in M. M. Rubber Co. Ltd., Madras Vs. S. Natarajan (1985 II LLJ) P. 364 at page 371) held :

"The other question that remains is if the respondents are acquitted in the criminal case whether or not the departmental enquiry is pending against the respondents would have to continue. This is a matter which is to be decided by the department after considering the nature of the findings given by the Criminal Court."

Our High Court decided the matter on the basis of the rulings of the Supreme Court. Therefore it is clear that in spite of the acquittal by the Criminal Court on the same charges, the disciplinary authority can proceed with the delinquent employee and give his own findings. When the law is clear that the acquittal by the Criminal Court does not stand as a bar to proceed against the employee in the disciplinary case, the argument on the side of the workmen cannot be accepted.

9. As already stated there is ample evidence on record to show that the amount in question was entrusted to the petitioner. In Ex. M-2 the petitioner has admitted that he was negligent in discharging his duties. As he had taken charge of the cash it is clear that the entrustment was made to him. He cannot go back by saying that he was negligent in discharging his duties. Whatever might be the findings of the Criminal Court there is ample evidence on record. The workman in Ex. M-2 has admitted that he had taken charge of the cash and had not accounted for a sum of Rs. 35,000. There is no dispute in respect of his failure to account for a sum of Rs. 35,000. In such circumstances it cannot be said that the amount was not entrusted to him. He has admitted that he was negligent in discharging his duties. There are sufficient materials on record to go to show that the charges levelled against him is true.

10. This Tribunal has got jurisdiction to see whether the punishment imposed is proportionate to the offence charged against the workmen. Section 11-A of the I. D. Act gives ample power to the Tribunal to decide the same. It was argued on the side of the petitioner that apart from the decision of the enquiry officer that the charge has been made out against the delinquent employee still the punishment imposed on him was too severe comparing to the charge made out against the workman. However the workman had faced the stoppage of three increments with cumulative effect falling due on 29-4-83, 29-4-84, and 29-4-85. While considering the entire evidence on record it can be said that stoppage of 3 increments with cumulative effect is some what severe and the ends of justice will be amply met if stoppage of one increment due on 29-4-83 with cumulative effect is ordered.

In the result, award passed setting aside the punishment of stoppage of three increments with cumulative effect and the punishment of stoppage of one increment falling due on 29-4-83 with cumulative effect is imposed. No costs.

Dated, this the 30th day of January 1997.

THIRU S. THANGARAJ, Industrial Tribunal

WITNESSES EXAMINED

For both sides :

None.

DOCUMENTS MARKED

For Workman/union :

- Ex. W-1/30-7-76—Suspension order issued to the petitioner-workman (Xerox copy).
- Ex. W-2/23-9-76—Charge sheet issued to petitioner-workman (Xerox copy).
- Ex. W-3/23-2-79—Judgement of the Criminal Court in C.C. 11/78 (Xerox copy).
- Ex. W-4/5-3-79—Letter from the petitioner to the respondent to reinstate him in service (copy).
- Ex. W-5/28-5-80—Respondent's order restoring the petitioner from service (copy).
- Ex. W-6/13-10-81—Order of the respondent appointing enquiry officer (copy).
- Ex. W-7/25-10-82—Findings of the Enquiry Officer (copy).
- Ex. W-8/29-3-83—Respondent's order imposing penalty (copy).
- Ex. W-9/14-10-83—Letter from the petitioner-union to the Conciliation Officer (copy).
- Ex. W-10/5-12-83—Reply by the respondent to the Conciliation Officer (copy).
- Ex. W-11/30-1-84—Rejoinder submitted by the petitioner-union before the Conciliation Officer (copy).
- Ex. W-12/18-7-84—Minutes recorded by the Conciliation Officer (copy).
- Ex. W-13/31-7-84—Conciliation Failure Report (copy).
- Ex. W-14/20-7-84—Government of India's order declining reference (copy).
- Ex. W-15/20-3-90—Judgement in W.P. No. 9300/85 (copy).

For Management :

- Ex. M-1/30-7-76—Show cause notice issued to petitioner-workman (Xerox copy).
- Ex. M-2/17-9-76—Petitioner's reply to Ex. M-1 (Xerox copy).
- Ex. M-3/23-9-76—Charge sheet issued to the petitioner-workman (Xerox copy).
- Ex. M-4/ —Proceedings of the enquiry (Xerox copy).
- Ex. M-5/30-6-82—Summing up by the Presenting Officer (Xerox copy).
- Ex. M-6/2-8-82—Written submission by the petitioner (Xerox copy).

- Ex. M-7/25-10-82—Findings of the Enquiry Officer (Xerox copy).
- Ex. M-8/ —Summing up by the disciplinary authority (Xerox copy).
- Ex. M-9/17-1-83—Show cause notice issued to the petitioner-workman (X. copy).
- Ex. M-10/11-2-83—Reply by the petitioner to Ex. M-9 (Xerox copy).
- Ex. M-11/29-3-83—Order of disciplinary authority (Xerox copy).
- Ex. M-12/25-4-83—Appeal preferred by the petitioner (Xerox copy).
- Ex. M-13/11-6-83—Order of the Appellate Authority (copy).
- Ex. M-14/5-12-83—Letter to the Asst. Labour Commissioner from the respondent (Xerox copy).
- Ex. M-15/ —Extract of I Bipartite Settlement (copy).

नई दिल्ली, 13 जून, 1997

कांआ० 1691.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्श्योरंस कं० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-06-97 को प्राप्त हुआ था।

[सं. एन-17012/58/93-आई आर (बी-II)]
सनातन, डेस्क अधिकारी

New Delhi, the 13th June, 1997

S.O. 1691.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Insurance Company and their workmen, which was received by the Central Government on 12-6-1997.

[No. L-17012/58/93-IR (B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 21 of 1994

In the matter of dispute :

BETWEEN

Rajendra Kumar Gaur

S/o Mittu Soni 117/73, Kaushalपुरी
Kanpur.

AND

Regional Manager
National Insurance Company
Halwasiya Court, Chouth Manjil
Hazratganj, Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-17012/58/93-IR (B-II) dated 2-3-94 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of National Insurance Company Limited Lucknow in terminating the services of Sri Rajendra Kumar Gaur, Peon w.e.f. 21-3-89 is justified? If no, what relief, is the workman entitled to?

2. The case of the concerned workman Rajendra Kumar Gaur, is that he was appointed as peon on 31-12-85 as daily rated worker by the opposite party Regional Manager National Insurance Company Limited. He continued to work upto 21-3-1989 when his services were brought to an end in breach of Section 25-F of I. D. Act. He has further alleged that although he had actually worked but vouchers were issued in the name of Darmendra Ramesh and Rakesh etc. as given in para 7 of the claim statement.

3. The opposite party has filed reply in which it was alleged that concerned workman was appointed as a daily rated worker but did not work continuously. It is also denied that vouchers were issued in different names. In this way he had not completed more than 240 days, hence provisions of Section 25-F of I. D. Act are not attracted.

4. In the rejoinder new facts raised in the written statement have been denied.

5. In support of his case, the concerned workman WW-1 has examined himself and has proved his entire case as set out above. Beside there is Ext. M-1 to M-30 vouchers. The management was given repeated opportunities for giving evidence in defence. Ultimately they were debarred from giving evidence on 19-4-97. Thus the evidence of the concerned workman is un rebutted. I see no reason to disbelieve it. Hence relying upon this evidence it is held that concerned workman had completed 240 days in a year and his retrenchment was made without paying notice pay and retrenchment compensation. Hence it is bad in law being in breach of Section 25-F of I. D. Act.

6. Accordingly, my award is that concerned workman's termination from service is bad in law and he will be entitled for reinstatement in the same post and in the same capacity with wages as he was drawing at the time of retrenchment.

7. Reference is answered accordingly.

Dated : 6-6-1997

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जून, 1997

कांआ० 1692.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेवेली लिग्नाईट कारपोरेशन लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-97 को प्राप्त हुआ था।

[सं. एन-29012/56/91-आई आर (विविध)]
बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 12th June, 1997

S.O. 1692.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Neyveli Lignite Corpn. Ltd., and their workman, which was received by the Central Government on the 12-6-1997.

[No. L-29012/56/91-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL
NADU MADRAS

Thursday, the 30th day of January 1997

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial
Tribunal.

INDUSTRIAL DISPUTE NO. 12 of 1992

(In the matter of the dispute for adjudication under
Section 10(1)(d) of the Industrial Disputes Act, 1947
between the Workmen and the Management of

Neyveli Lignite Corpn. Ltd., Neyveli

BETWEEN

Mr. A. Charles Joshus, No. 462, Chinnasamy
Chettiyar Lane, Periyakurichi, Neyveli-2.

AND

The Chief Personnel Manager, Neyveli Lignite
Corpn. Ltd., Neyveli-607801.

REFERENCE :

Order No. L-29012/56/91-IR(Misc.), Ministry
of Labour dt. 13-2-1992, Government of
India, New Delhi.

This dispute coming on for final hearing on Friday, the 20th day of December, 1996 upon perusing the claim and counter statements and all other materials on record and upon hearing the arguments of Thiru T. Fenn Walter, Advocate appearing for the Petitioner and of Tvl. N.A.K. Sarma, and K. Mahesh, Advocates appearing for the respondents and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

The Government of India, Ministry of Labour Department in Order No. L-29012/56/91 IR(Misc.) dated 13-2-1992 has referred this dispute u/s. 10(1)(d) of the I.D. Act, to this Tribunal to adjudicate the following issue :

“Whether the act of the management of Neyveli Lignite Corporation Ltd., over termination of Shri Charles Joshua is justified ? If not, to what relief is he entitled to ?”

2. On service of notice both the petitioner and the respondent appeared before this Tribunal and filed their claim statement and counter statement respectively.

2-A. The main averments found in the claim statement filed by the petitioner are as follows:— During the relevant time the petitioner was working as works clerk under the Neyveli Lignite Corporation. The charge sheet issued to the petitioner was vague and he was unable to make out any charges levelled against him. The management has conducted an enquiry against the petitioner. The Officer who ordered the enquiry has no authority, power or competence to do so. The authority who issued the charge sheet has no competence to issue the same. The enquiry officer was prejudiced towards the petitioner and he conducted the enquiry against the four employees which was illegal and in contravention of the principles of natural justice, rules and regulations applicable to the respondent corporation and also the standing orders of the corporation. The enquiry officers were not competent to conduct the enquiry. The enquiry officers have also acted as prosecutor as well. During the

enquiry the petitioner was not paid subsistence allowance in accordance with the rules. A legally trained person was the presenting officer on the side of the management but whereas the petitioner was not informed of his right to engage the services of a lawyer. The findings of the enquiry officer are totally perverse. The enquiry officer has not applied his mind to the facts and circumstances of the case and the evidence available on record. Without proper evidence the enquiry officer has held that the petitioner was the central point of the fraudulent activities including scheming it. There is no evidence in support of the same. The authority who passed the punishment has no power or competence to issue the same. The petitioner was not supplied with a copy of the findings before imposing the punishment. In these circumstances, the order of dismissal may be set aside and the petitioner be reinstated with continuity of service with all other attendant benefits.

3. The main averments found in the counter filed by the respondent management are as follows : The charge sheet dated 6-8-1981 was issued by the Deputy Superintendent Civil Spl. Mines Drainage Zone who is the disciplinary authority as per the rules of the corporation. The enquiry officers were totally independent and impartial. The petitioner was afforded with all reasonable opportunities to defend himself in the enquiry. The petitioner has engaged one Sri Madasamy one of the senior union leader who is well versed in the conduct of enquiries. The petitioner had all opportunity to cross examine the witness examined on the side of the management. On the basis of the findings given by the enquiry committee, the second show cause notice alongwith the copy of the findings was issued to the petitioner. The petitioner had ample opportunity to submit his explanation. After examining the reasons submitted by the petitioner in his explanation the competent authority has passed the order of dismissal. Aggrieved by the order of the disciplinary authority the petitioner has filed an appeal before the appellate authority which was also rejected. The misconduct established against the petitioner was very serious in nature that he drew the materials from the stores fraudulently and handed over the same to private contractors to transport the same outside Neyveli. The petitioner has fully understood the charge and he defended himself by knowing the charges against him. The authority who has issued the charge sheet is empowered under the powers delegated to him under the Rules of the corporation. The petitioner never disputed such authority at any stage till the punishment was imposed. The enquiry committee consisted of

two senior officials of the corporation who were in no way connected with the affairs of the petitioner. There was no contravention of the principle of natural justice in conducting the enquiry. The enquiry authority has never acted as prosecutor and in any prejudicial manner to the petitioner. During the period of suspension the petitioner was paid a total sum of Rs. 7527.40 in strict adherence of the provisions of the standing order. The petitioner had engaged a person of his choice to defend himself in the enquiry. Engaging a lawyer is not permissible under the rules of the corporation. After a clear and thorough analysis of the evidence of the enquiry committee has submitted its findings and such a find-

ing cannot be termed as perverse. The disciplinary authority was duly empowered as per the rules of the corporation to impose the punishment on the petitioner. A second show cause notice along with the copy of the findings was issued to the petitioner and the petitioner has submitted his explanation. In these circumstances, the I.D. may be dismissed.

4. Two witnesses were examined on the side of the respondent/management and M. 1 to M. 15 have been marked. Ex. W-1 to W-14 have been marked on the side of the petitioner and no witnesses was examined.

5. The Point for our consideration is : Whether the action of the management of Neyveli Lignite Corporation Ltd., over termination of Shri Charles Joshua is justified ? If not to what relief is he entitled to ?”

6. The Point : The petitioner Shri Charles Joshua was a Works Clerk Sub Division III SMD Zone Mines I under the respondent Neyveli Lignite Corporation. For certain misconducts alleged to have been committed by the petitioner between 9-5-1986 to 27-11-1986 a charge sheet marked as Ex. M. 1 was issued to the petitioner. On 6-3-1987 the petitioner submitted his explanation Ex. M-3 denying the charges raised against him. Not satisfied with the explanation offered by the petitioner the management passed an order to conduct disciplinary enquiry against him and the petitioner gave Ex. M-4 to the enquiry officer to permit Shri Madasamy AIADMK leader to appear on his behalf in the enquiry. The said person was permitted to appear and to defend the case of the petitioner. The enquiry proceedings are marked as Ex. M-5. The findings given by the enquiry officer is marked as Ex. M-6. The petitioner has raised various reasons to show that the enquiry was not fair and proper. However, both the sides have agreed to take up the final enquiry u/s. 11A of the I.D. Act. Accordingly the enquiry was held before this Tribunal. Though the management has examined two witnesses on its side the petitioner/workman has not examined himself or any other witnesses on his side. The petitioner has raised various allegations to show that the order of dismissal passed against him was not in accordance with rules and the same is liable to be set aside.

7. The first and foremost reason stated by the petitioner was that the charge was as vague as vagueness could be and the enquiry based on such a charge is totally devoid of any merit. The charge marked as Ex. M-1 clearly shows that the petitioner Shri Charles Joshua works clerk has unauthorisedly taken possession of the requisition for stores belonging to sub-division III of SMD Zone, Mines and SMD Zone of Mines II and fraudulently drawn materials such as steel rods and M.S. angles by producing those requisitions containing the forged signatures of inventor and counter signing officers. According it has been clearly stated therein that the materials drawn, the quantity and also the date of withdrawal of those materials from Mines I and II. Further it was also stated the acts of misconduct falling under Sub Cl. III (xxv) and (xxxv) of Standing Order 46, punishable under the provisions of Standing Order 1947. A perusal of the charge Ex.

M-1 goes to show that it has got all the particulars of the allegations made against him including the contravention of the Standing Orders as well as the punishing provision of the Standing Order. The act of misconduct has also been clearly stated in the charge sheet. So there is no valid reason to dispute the charge saying that it is que.

8. It was contended on the side of the petitioner that the enquiry committee have not stated his right of engaging an advocate to defend his case. It was also stated on the side of the petitioner that the presenting officer was a legally qualified person and the same was not substantiated either by oral or documentary evidence. The respondent corporation in it's counter has clearly stated that there is no provision in the standing order of the corporation to permit the workman to engage a lawyer in the domestic enquiry. However, Ex. M-4 clearly shows that the petitioner has presented a petition engage one Mr. Madasamy a leader of AIADMK to defend his case. The enquiry committee has permitted Mr. Madasamy to appear on behalf of the petitioner. When the petitioner had an opportunity to defend himself by a person of his choice there is no valid reason to say that he was not informed of his right to defend through a lawyer in the enquiry. Especially when the respondent corporation has stated that there is no provision in the standing order to engage a lawyer to defend the workman in the domestic enquiry.

9. The enquiry proceedings are marked as Ex. M.5. Three witnesses have been examined on the side of the management. The petitioner and his representative Mr. Madasamy were present at the time of examination of all the three witnesses and the petitioner was given sufficient opportunity to cross-examine those witnesses. In fact the statement of the defence representative that he had no further question to be put to the witness have been recorded at the close of the very witness. The petitioner has given his oral statement in the enquiry and the enquiry committee has put one question by way of clarification whether the materials drawn under the various vouchers have been handed over to Mines I and II. To the said clarification the petitioner has given his answer. In such circumstances it cannot be said that the enquiry officers have acted as prosecutors or they had cross-examined the petitioner in order to cause prejudice to his case. There is also no materials on record to believe the contention of the petitioner that the enquiry authorities were biased. No reason has been stated by the petitioner to prove the alleged bias against the petitioner by the enquiry authority.

10. The petitioner has questioned the authority of the officer who has issued the charge sheet the authority of the Officers of the enquiry committee and the authority of the officer who passed the order of dismissal and also the authority who passed the order in the appeal. It is clear that the petitioner has challenged the power, authority and competence of every such person. The officer who issued the charge sheet was the Dy. Supdt. Civil. The petitioner was a clerk. Basing on the scale of pay of delinquent officer the disciplinary authority and appellate authority are decided by the management. While considering the punishment passed, the management has provid-

ed certain authorities who can validly pass a minor punishment or a punishment as the case may be. The petitioner was awarded with a major punishment of dismissal. As per the pay scale he could not have drawn a basic salary of more than Rs. 1050 (pre revised). The disciplinary authority concerned was an executive of E4 and E5 level. The Dy. Supdt. Civil has issued the charge sheet against the petitioner. To pass a major punishment the disciplinary authority should be an executive of E4 or E5 level. By seeing the designation it is clear that the disciplinary authority who issued the charge sheet was a person who was an executive of E4 or E5 level. Though the petitioner has raised the question he has failed to furnish any particulars regarding the designation of the disciplinary authority to show that he was incompetent. As per Annexure CI the minimum qualification and experience prescribed for E4 level executives was that of a Dy. Superintendent. Ex. M.1 charge sheet has been issued by Dy. Supdt. and therefore, it can be said that the authority who issued the charge sheet was competent enough to frame charges against the petitioner. One Mr. V. R. Desigachari, Dy. General Manager and Shri Rangarajan Consultant were appointed as Enquiry Committee. The above said annexure CI clearly shows that the Deputy General Manager must have been the person in E5 grade who is competent to award major punishment. The petitioner has not adduced any evidence contra. The order of dismissal was passed by the Dy. Supdt. Civil SMD. As already stated, he is competent authority to be the disciplinary authority in awarding major punishment. In Ex. M.12 the order of dismissal the disciplinary authority has stated that against the said order an appeal shall lie before the Deputy General Manager Mines I within 14 from the receipt of the said order. Accordingly the petitioner has submitted his appeal Ex. M.13. The appellate authority Deputy General Manager Mines I has rejected the appeal vide order marked as Ex. M.14. So, it is clear that the Deputy General Manager (Mines I) is a competent authority to pass an order in the appeal. While considering these reasons the argument advanced on the side of the petitioner that the authorities concerned have neither authority nor power or competence to pass the relevant orders against him cannot be accepted.

11. It was argued on the side of the petitioner that the principles of natural justice has not been followed in the domestic enquiry and that the findings of the enquiry officer is perverse. As already stated the workman had the person of his choice to defend his case. Three witnesses have been examined on the side of the management and the workman and his representative were present during the examine of all the three witnesses. The workman was also given opportunity to cross examine all the witnesses and to examine witness on his side. There is no ground to say that the principle of natural justice has not been followed in the domestic enquiry.

12. The findings of the enquiry officer is marked as Ex. M.6. Three witnesses examined on the side of the management have spoken about the charges framed against the petitioner. MW1 Sadasiva Nair,

Deputy Security Officer Crime, has clearly stated that on 13-12-1986 about 3.20 p.m. on information he inspected the lorry carrying materials under Voucher No. 69627 dated 13-12-1986. On further enquiry and on going through the records it was revealed that materials despatched under 19 vouchers from the stores have not been received in the concerned unit. The materials sent under vouchers on various dates from Mines No. 2 have not been reached the destination. In all those vouchers the petitioner has signed and those materials have not reached unit No. II. He was cross-examined by the petitioner. In the cross-examination MW1 has clearly stated that the petitioner had admitted before him that he had received the materials from the Stores. Further M.W.1 added by saying that the petitioner has also admitted that he had drawn those materials as requested by contractor Sivakumar on earlier occasions and per lorry load of materials Sivakumar paid Rs. 300 to Rs. 400. This part of the evidence of MW1 goes to show that the petitioner has admitted his built before M.W.1. Such an admission by all means could be a voluntary one. However, even if the petitioner had retracted the earlier admission the evidence of MW1 is cogent, and convincing. There is no enmity between the petitioner and M.W.1. Not even a suggestion has been put to MW1 saying that there was misunderstanding or that the witness was biased or acted at the instigation of some body. It is clear that MW1 though an Officer belonging to the Security department of the NLC Division the admission given before him cannot be treated like an admission given by an accused person before an investigating Police Officer. So, there is every reason to believe the evidence of MW1. MW2 Executive Engineer, Civil SMD Mines I stated that on 13-12-86 the date in question he had not seen the petitioner at the workspot. However, he had seen the initial of the petitioner in the attendance register. In the cross-examination he has admitted that by 1.30 p.m. he had seen initial of the petitioner in the attendance register and since it was a lunch time he could have gone for lunch. However, the evidence of MW2 is clear to the effect that the petitioner was not found in the workspot on that day. The piece of evidence will go to corroborate the statement of MW1 who had stated that his enquiry revealed the petitioner had drawn the materials and loaded the same in the lorry as requested by contractor Sivakumar. Therefore, the evidence of MW2 further stands as proof that the petitioner was not found in the workspot on 13-12-86. MW3 Head Assistant SMD/Mine who was conversant with the signature of the petitioner had clearly stated in the cross-examination that in voucher Nos. 6962-1, 6962-2, 6962-3, and 6962-6 the signature of the petitioner was found. It was argued that the signature was not sent to the handwriting expert to confirm that it is that of the petitioner. Such a course has to be adopted in a criminal trial where the guilt of the accused has to be proved beyond all reasonable doubt but whereas in a domestic enquiry the strict proof is not necessary. At this juncture my attention was drawn to a ruling in STATE of HARYANA Vs. RATTAN SINGH 1982 1 LLJ p. 46, at page 47 the Supreme Court held;

"It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible

The simple point is, was there some evidence or was there no evidence not in the sense of the technical rules governing regular court proceedings but in a fair commonsense way as men of understanding and worldly wisdom will accept."

From the said ruling of our Supreme Court it is clear that strict and sophisticated rules of evidence under the Indian Evidence Act may not apply in the domestic enquiry. The Industrial Tribunal which considers the validity of the domestic enquiry need not except the strict and sophisticated rule to prove any particular fact in the domestic enquiry. On the basis of this decision it can be safely held that the evidence of MW3 that the petitioner has affixed his signature on various vouchers can be accepted. The evidence of MW1 will further stand to corroborate the evidence of MW3 and the circumstances under which the misconduct has been committed by the petitioner-workman. The workman has stated that only under the instructions of Shri Ramamurthy EE, SMD he had drawn those materials from the stores and gave them to the contractor Sivakumar. However the enquiry officer has clearly held that the petitioner was responsible for the said act. The enquiry held by the officials concerned the first instance also did not lead to the conclusion that the workman had acted on the direction of Ramamurthy EE, SMD. Since the workman has admitted drawing of those materials by him under those vouchers the argument on the side of the workmen disputing the signatures found on the vouchers cannot be accepted. From the evidence available on record the findings of the enquiry officer cannot be called as perverse. It is clear that the enquiry officer has come to the correct conclusion by accepting the evidence available on record.

13. In TATA OIL MILLS CO. LTD., Vs. ITS WORKMAN (1963 II LLJ 78) it was held by the Apex Court as follows :

"The True legal position about the jurisdiction of the industrial tribunal in dealing with an industrial dispute in regard to dismissal or discharge of a workman for misconduct proved at the domestic enquiry is now well settled. If it is shown that the employer has held a proper enquiry the tribunal would not be entitled to consider the propriety or the correctness of the conclusions reached by the Enquiry Officer at such enquiry. The tribunal will be entitled to consider the said conclusions if they appear to be perverse or if the tribunal is satisfied that the enquiry was unfair or either the proceedings or the final order passed against the workmen amounted to victimisation or adoption of an unfair labour practice. If none of these facts is established then the findings made by the enquiry officer in the

domestic enquiry should be taken to be binding against the employee."

As far as the instant case is concerned, there is ample evidence to prove the charges framed against the workman. The argument of the petitioner that the sophisticated rules have not been followed in the enquiry will not attract our consideration. The enquiry proceedings as well as the findings are found valid and acceptable.

13. Considering the punishment imposed on the workman it is clear that the NLC is an undertaking which expects its employees to show full integrity and utmost devotion to duties assigned to them and the action of the petitioner was a very serious misconduct. Whether the materials have been traced or not, the very action of the petitioner withdrawing the materials from the stores on forged vouchers under the guise of sending them to the units, actually handing over the materials to the contractor and getting some amount from the contractor is nothing but an act which deserves severe punishment. The management has imposed the punishment of dismissal against the workman and under the circumstances of the case the said punishment cannot be termed as severe and not proportionate to the evidence made out against him. There is also no valid reason to accept that it was either unfair labour practice or victimisation. Therefore, there is no valid reason to interfere with the punishment imposed on the workman, u/s. 11-4 of the I.D. Act. From the foregoing discussions, it is clear that there is no valid reason to interfere with the final order passed against the workman by the management and the industrial dispute is liable to be dismissed.

In the result, award passed dismissing the claim of the petitioners. No costs.

Dated, this the 30th day of January, 1997.

THIRU S. THANGARAJ, Industrial Tribunal
WITNESSES EXAMINED

For Petitioner/Management :

For Respondent Management :

M.W.1 : Thiru R. Ramamurthy.

M.W.2 : Thiru C. Natarajan.

DOCUMENTS MARKED

For Petitioner/workman :

Ex. W-1/15-12-86 : Suspension order issued to the petitioner-workman (xerox copy).

Ex. W-2/18-12-86 : Charge memo issued to the petitioner workman (xerox copy).

Ex. W-3/31-1-37 : Reply by the petitioner to Ex. W-2 (xerox copy).

Ex. W-4/14-1-87 : Proceedings for the appointment of Enquiry committee (xerox copy).

Ex. W-5/6-3-87 : Charge memo issued to the Petitioner-workman (xerox copy).

Ex. W-6/12-3-87 : Explanation by the petitioner to Ex. W-5 (xerox copy).

Ex. W-7/23-4-87 : Enquiry Proceedings (xerox copy).

Ex. 8/3-5-87 : Finding of the Enquiry officer (xerox copy).

Ex. W-9/29-5-87 : Show cause notice issued to the petitioner-workman (xerox copy).

- Ex. W-10/12-6-87 : Reply by the workman to Ex. W-9 (xerox copy).
 Ex. W-11/3-9-87 : Dismissal order (copy).
 Ex. 12/5-9-87 : Appeal preferred by the petitioner-workman to Ex. W-11 (xerox copy).
 Ex. W-13/26-8-88 : Order of the Appellate Authority (xerox copy).
 Ex. W-14 -9-90 : Petition u/s. 2-A of the I.D. Act, 1947 (xerox copy).

For Management :

- Ex. M.1/6-3-87 : Charge memo issued to the petitioner-workman (xerox copy).
 Ex. M-2/7-3-87 : Letter by the petitioner praying extension of time.
 Ex. M-3/12-3-87 : Explanation by the petitioner to Ex. M-1.
 Ex. M-4, 23-4-87 : Letter from the petitioner to the enquiry officer.
 Ex. M-5/23-4-87 : Enquiry proceedings.
 Ex. M-6/8-5-87 : Enquiry report.
 Ex. M-7/29-5-87 : Show cause notice issued to the petitioner.
 Ex. M-8/2-6-87 : Letter from the petitioner to the Enquiry officer.
 Ex. M-9/86-87 : Letter from the petitioner to the Enquiry officer.
 Ex. M-10/10-6-87 : Reply letter by the Disciplinary authority.
 Ex. M-11/12-6-87 : Reply by the petitioner to Ex. M-7.
 Ex. M-12/22-8-87 : Dismissal order.
 Ex. M-13/5-9-87 : Appeal preferred by the petitioner.
 Ex. M-14/26-8-88 : Order of the appellate authority.
 Ex. M-15/series : Vouchers (11 Nos.) (xerox copies).

नई दिल्ली, 12 जून, 1997

कां.ग्रा.० 1693--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्ररादीप पोर्ट ट्रस्ट के प्रबंधन के संबद्ध निोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशन करती है, जो केन्द्रीय सरकार को 12-6-97 को प्राप्त हुआ था ।

[सं० एड 38012/4/85 थी IV (ए)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 12th June, 1997

S.O. 1693.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Paradip Port Trust and their workman, which was received by the Central Government on 12-6-97.

[No. L-38012/4/85-D-IV(A)]
 B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
 PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch), Presiding Officer
 Industrial Tribunal, Orissa, Bhubaneswar.
 Industrial Dispute case No. 38 of 1991 (Central)
 dated, Bhubaneswar, the 3rd June, 1997

BETWEEN :

The management of Paradip Port Trust,
 Paradip. .. First Party management.

AND

Their workmen, represented through,
 Utkal Port & Dock Workers' Union (INTUC),
 Paradip. .. Second Party-Workmen

APPEARANCES :

Sri S. K. Padhi, Advocate—For the First Party-management.

Sri P. Ray, Advocate—For the Second Party workmen.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-38012/4/85-D-IV(A) dated, 4-12-91 :—

"Whether the action of the management of Paradip Port Trust in delisting Sh. Fakir Charan Biswal, Gang Leader No. 58/428, Sh. Jagannath Rout, Gang Worker No. 58/927 and Sh. Janardan Mohanty, No. 75/1075 from the main list of Dock workers w.e.f. 9-9-81 is legal and justified? If not what relief the workmen are entitled to?"

2. The Utkal Port & Dock Workers' Union (INTUC), Paradip filed its claim statement on the averment that :

The first party-management has framed Paradip Port Cargo Handling Scheme for regularising the work of dock workers and for giving employment to Cargo handling workers in a systematic way. On 9-9-81 the first party-management de-listed four workmen from the list maintained by the first party-management which amounted to termination of their services.

While de-listing the named workmen of the reference, besides another, charge was not framed against the workmen nor any explanation was called for from them or there was any enquiry to substantiate the allegations to effect retrenchment. It came to light that on 28-8-81 in the third shift Sri N. C. Sahoo, Dy. Traffic Manager of the first party-management lodged an F.I.R. in the Paradip police station alleging commission of the offence u/s 395 I.P.C. by the workmen, but the workmen have been acquitted on 29-9-83 from S. I. Case No. 23/14 of 1983 from the Court of the learned Assistant Sessions Judge, Jagatsinghpur.

Sri N. C. Sahoo, Dy. Traffic Manager also lodged a complaint on 29-8-81 before the Chairman, Paradip Port Trust that he has been assaulted in his office chamber by the workmen named in the reference. Explanations were called for from them. On 7-9-81 the Chairman of the first party-management appointed Sri D. K. Mishra as the Enquiry Officer. A fake departmental exparte enquiry was conducted without notice of the departmental enquiry to the de-listed workmen. Therefore, the de-listed workmen are required to be re-listed.

The Chairman, Paradip Port Trust has neither authority nor jurisdiction under Articles 4 & 5 of the Paradip Port Dock & Cargo Handling Workers (Regulation of Employment) Scheme, 1979 (hereinafter referred to as the 'Scheme') to de-list the workmen. Accordingly, the de-listing of the aforesaid workmen is neither sustainable maintainable. The said workmen are to be re-listed as before.

3. The first party-management filed its written statement on the averment that :—

Paradip Port Trust vide notice No. TD-L-II-11/81(pt)/3406 dt. 9-9-81 de-listed the four dock workers from the main list of Cargo Handling workers on the allegation of assaulting Sri N. C. Sahoo, Dy. Traffic Manager and others on 28-8-81 at 11.30 P.M. for which charge framed against the workmen was

communicated to the workmen, but the workmen avoided to receive the departmental charge sheet nor appeared before the enquiry officer. But however, as usual and that being the practice of the management, charge sheets were affixed on the notice board at the call stand on 29-8-81. Again on 5-9-81 further notices were served soliciting their presence before the Traffic Manager on 7-9-81. The enquiry officer fixed the date of enquiry to be 8-9-81 at 10.30 A.M., the notice whereof was also affixed in the notice board at the call stand for information of the delinquents-workmen. In spite of such efforts, the workmen did not submit their explanations. Therefore, the enquiry was held ex parte. Thereafter, on the report of the enquiry officer resorting to Article 25 of the Scheme the said workmen were delisted from the main list of the Cargo handling workers.

The acquittal of the workmen under benefit of doubt is inconsequential relating to the departmental proceeding.

4. On these rival pleadings, the following issues have been framed :—

- (1) Is the action taken by the management of Paradip Port Trust in delisting Sh. Fakir Charan Biswal, Gang Leader No. 58/428, Sh. Jagannath Rout, Gang worker No. 58/927 and Sh. Janardan Mohanty No. 75/1075 from the main list of Dock workers with effect from 9-9-81 legal and justified ?
- (2) Is the domestic enquiry said to have been conducted against the workmen fair and proper ?
- (3) To what other relief, if any, the workmen are entitled to ?

5. M.W. No. 1 is not an occurrence time witness, but M.W. No. 1 has proved the documents available concerning the departmental proceeding to press forward that a departmental enquiry was conducted against the aggrieved workmen of the second party Union. The management has taken a stand that the involved workmen of the second party-union were delisted as much back as in 1981 but they choosed to agitate the matter after long lapse of several years. But, the Central Government refused to entertain the dispute for reference. Thereafter, the second party-union preferred O.J.C. No. 1516 of 1991 as evidenced in Ext. 1. The first party-management also has taken the stand that by this lapse of time the relevant papers concerning the enquiry has been misplaced or not traceable. M.W. No. 1 has asserted that he searched for the departmental enquiry files, and that, prior to his search the Secretary of the Paradip Port Trust had also endeavoured to search the file, but, the file could not be traced. But however, the management has procured certified copies from the Hon'ble Court tagged in the writ petition bearing O.J.C. No. 1516 of 1991.

Due to lapse of time coupled with the misplacement of records, the management pressed forward a petition on 15-1-94 to allow the management the opportunity of hearing the case on merit. The second party-union did not raise objection; therefore, this Tribunal allowed on 22-4-94 to hear the case on merit, including the allegations contained in the departmental charge sheet.

6. The second party-union placed reliance in the citation reported in AIR 1984 SC page-289 (Sambhunath Goyal V. Bank of Baroda & Others). The first party-management has placed reliance in 1972 (I) LLJ Page-180 (Delhi Cloth & General Mills Co. Ltd. Vs. Budh Singh), 1975 (II) LLJ Page-379 (Cooper Engineering Ltd. V. P. P. Munde), 1962 (II) LLJ Page-498 (Ritz Theatre Vs. Its Workmen), (1996) 4 Supreme Court Cases page-374 (Bharat Forgs Co. Ltd. V. A. B. Zodge), 1965 (II) LLJ Page-162 (Workmen of Motipur Sugar Factory Vs. Motipur Sugar Factory) and 1984 Lab. I.C. Page-1583 (Rajendra Jha Vs. Presiding Officer, Labour Court, Dhanbad).

With respect to these citations and to the enunciation of law, it is preferable to quote the observation of the Hon'ble Court from Page-169 of 1965 (II) LLJ Page-162 (supra) :—

"It is now, well-settled by a number of decisions of this Court that where an employer has failed to make an enquiry before dismissing or discharging a workman, it is open to him to justify the action before the Tribunal by leading all relevant evidence

before the tribunal by leading all relevant evidence have the benefit which he had in cases where domestic enquires have been held. The entire matter would be open before the tribunal which will have jurisdiction not only to go into the limited question is open to a tribunal where domestic enquiry has been properly held (see Indian Iron and Steel Company V. Their workmen (1953-1-LLJ 260) but also to satisfy itself on the facts adduced before it by the employer whether the dismissal or discharge was justified. We may in this connexion refer to Sasa Musa Sugar Works (Private) Ltd. V. Shobrani Khan (1959-II LLJ 388), Phulbari Tea Estate V. Its Workmen (1959-II LLJ 663) and Punjab National Bank Ltd. V. Its Workmen (1959-II LLJ 666). These three cases were further considered by this Court in Bharat Sugar Mills Ltd. V. Jai Singh and others (1961-II LLJ 644), and reference was also made to the decision of the Labour Appellate Tribunal in Shri Ram Swarath Sinha V. Belsund Sugar Company (Private) (1954 L.A.C. 697). It was pointed out that :—

"the important effect of omission to hold an enquiry was merely this : that the Tribunal would not have to consider only whether there was a prima facie case but would decide for itself on the evidence adduced whether the charges have really been made out."

It is true that three of these cases, except Phulbari Tea Estate case (1959-II LLJ 663) (vide supra), were on applications under S.33 of the Industrial Disputes Act, 1947. But in principle we see no difference whether the matter comes before the tribunal for approval under S.33 or on a reference under S.10 of the Industrial Disputes Act, 1947. In either case, if the enquiry is defective or if no enquiry has been held as required by standing orders, the entire case would be open before the tribunal and the employer would have to justify on facts as well that its order of dismissal or discharge was proper. Phulbari Tea Estate case (1959-II LLJ 663) (vide supra) was on a reference under S.10 and the same principle was applied there also, the only difference being that in that case there was an inquiry though it was defective. A defective enquiry, in our opinion, stands on the same footing as no enquiry and in either case the tribunal would have jurisdiction to go into the facts and the employer would have to satisfy the tribunal that on facts the order of dismissal or discharge was proper."

Therefore, on the enunciation of law, even if there was no enquiry or any tainted enquiry or defective enquiry will be inconsequential, except the finding of this Tribunal.

7. All the management's witnesses have corroborated that on 28-8-81 around 11.30 P.M. all the three named workmen of the reference, besides Sanatan Parida immediate after departure of several other workers who had a confrontation with Sri N. C. Sahoo, Dy. Traffic Manager, went inside the office of the Dy. Traffic Manager, physically assaulted Sri N. C. Sahoo, Dy. Traffic Manager (Labour), Sri S. K. Mishra, Traffic Officer, N. Patra, Traffic Foreman and Sri S. C. Kar and further threatened them with dire consequences if they are not giving them booking immediately on that day. Further corroborative feature of this case is that all of them caused extensive damage to the furnitures, telephone and other properties of the room of the Dy. Traffic Manager, Paradip Port Trust.

M.W. No. 4 Sri N. C. Sahoo, Dy. Traffic Manager testified that he submitted a F.I.I. narrating the incident at the Police Station. Prosecution was initiated against the delinquents-workmen. There is material available that the aggrieved workmen were acquitted from the criminal trial. A major part of the narratives of the management's witnesses have received corroboration.

It has also been brought on record that besides the criminal prosecution against the aggrieved workmen charge was also framed against the delinquents-workmen and they were asked to submit their explanations before the Traffic Manager. It has also been brought on record that the aggrieved workmen defaulted in their appearance and simultaneously avoided to

submit explanations, therefore, they were further reminded, whereafter enquiry officer was appointed to conduct the departmental enquiry. The enquiry officer also notified by displaying the notice in the general notice board at the call stand. But the aggrieved workmen did not appear. In the absence of participation of the delinquents-workmen in the departmental enquiry, the enquiry officer conducted the enquiry ex parte, and submitted a guilt finding report to the Chairman, Paradip Port Trust, whereafter the Chairman delisted the aggrieved workmen of the second party-union who have been found guilty in the departmental enquiry.

8. The contention of the second party-union has centred round that there was no enquiry conducted against the delinquents-workmen. The present aggrieved workmen were the active members of the union, therefore, the management with an intention to crush their union activities delisted the workmen by show of a flimsy departmental enquiry, so also, the Chairman of the Paradip Port Trust without jurisdiction delisted the aggrieved workmen. The illegalities thus committed not being curable, the aggrieved workmen deserve to be re-inducted to service with back wages.

9. Sri P. K. Daloi, Out-door Clerk of the Traffic Department, Sri N. Patra, Traffic Foreman, Sri N. C. Sahoo, Dy. Traffic Manager (M.W. No. 4) and Sri S. K. Mishra, Traffic Officer (M.W. No. 2) said to be the injured persons of the occurrence of 28-8-81 at 11.30 P.M. as evidenced by Exts. 14 to 17 proved by M.W. No. 5. M.W. No. 5 has said that N. C. Sahoo appeared before him on 28-8-81 at 11.30 P.M., just proximate to the time of occurrence. There is no elucidation of materials that there existed prior enmity with the aggrieved workmen of the second party-union with Sri N. C. Sahoo, Dy. Traffic Manager and other injured persons, or there was any hostile animosity of the aggrieved workmen with the doctor (M.W. No. 5) to warrant a belief that the doctor and the injured N. C. Sahoo, Dy. Traffic Manager (M.W. No. 4) and S. K. Mishra (M.W. No. 2) will falsely implicate the aggrieved workmen of the second party-union. The facts elicited that the aggrieved workmen are members of the second party-union can not be construed to be of enmity disposition against Management witness Nos. 2, 3, 4 and 5, so much so, to feed any grudge for and on behalf of the management. M.W. Nos. 2, 3 and 4, the witnesses to the occurrence have corroborated each other and have given the scenario of the place of occurrence. There is nothing to disbelieve them. Besides, the human behavioural aptitude will not entangle any other person except the real assailants. Therefore, the testimony of the injured persons, namely, Sri N. C. Sahoo and Sri S. K. Mishra that they have been injured at the hands of the aggrieved workmen of the second party-union can not be said to be a nullity. This Tribunal on the facts of this case is of the view that the workmen (named in the reference) did assault Sri N. C. Sahoo, Sri S. K. Mishra, Sri N. Patra and Sri P. K. Daloi. Certainly, an act of reckless misconduct on the part of the workmen of the second party-union while the Officers and other staffs were discharging their official duties.

10. On the contention advanced by the second party-union about the competency or otherwise of the Chairman, Paradip Port Trust to delist the workmen of the second party-union vide Ext. 6, documents reveal that the management vide Exts. 2, 2/1 and 2/2 framed charge against the workmen of the second party-union, but, as the delinquents-workmen did not appear before the Traffic Manager or submitted any explanation vide Ext. 4 the Chairman appointed Sri D. K. Mishra Superintendent Port Operation as the enquiry officer and Sri S. Mishra, Transport Officer as the Presenting Officer. In fact, the documents of framing of charge was served on the delinquents workmen have not been proved through the person who endeavoured to serve the said charge sheets (Exts. 2, 2/1 and 2/2). But the Enquiry Officer in his report marked Ext. 5/2 has endorsed that he had caused the service of the notice of enquiry by notifying the same in the general notice board. There is no reason to disbelieve that the notice of enquiry was displayed in the notice board for the information of one and all. Add to this the second party-union has not elicited any material that any of the workmen of the second party-union (named in the reference) attended their duties to believe negative of the theory of displaying of notice in the general notice board.

While the aggrieved workmen did not appear before the enquiry officer, there is no unreasonableness that the enquiry was disposed of within eleven days without any lapse of time. In the circumstance, that the departmental enquiry terminated within a span of eleven days of the occurrence can not be attributed to be an abnormal phenomena, so much so, to doubt about the existence or otherwise of the departmental proceeding. There is also absence of material that any of the workman of the second party-union preferred any petition to the management or to the Enquiry Officer to set-aside the exparte enquiry, W.W. Nos. 1, 2 and 3, the named workmen of the reference, have categorically admitted that they had the knowledge of their dismissal within a couple of days after the occurrence. It is peculiar that the working employees (named in the reference) without any reason and rhyme, much less made known to the Tribunal, left their working place and not bothered to know the reason of their de-enlistment for long period, is suggestive of their involvement in the use of brutal force and physical assault to the M.W. Nos. 2 and 4 and others.

11. The contention of the second party-union that Article 4 read with Article 25 of the Scheme prescribes the exhaustive list of acts of misconduct on the part of a workman covered in the Scheme. Further, Article 5(iii) read with Article 25-2 confers power on the Additional Traffic Manager to remove a Cargo handling worker from a pool, although vide Article 25.12 the Traffic Manager, Paradip Port Trust has been conferred the jurisdiction to be the Appellate Authority. The Chairman, Paradip Port Trust not having jurisdiction to delist the workmen, Ext. 6 can not be acted upon.

The management placed reliance in Article 25.14 of the Scheme which confers jurisdiction on the Chairman to pass any order including an order of de-enlistment of any worker even without conducting any enquiry if the worker is found to be guilty of misconduct. In the instant case the Chairman afforded an opportunity to the aggrieved workmen to file the show-cause and dislodge the allegation levelled against them in the departmental enquiry. The aggrieved workmen choosed to avoid the enquiry. On the facts of this case, the order of de-enlistment passed against each of the workman is irrevocable. The contention advanced by the management has sufficient force. It is preferable to quote Article 25-14 of the Scheme :

25.14 "Notwithstanding anything contained in the proceeding sub-clauses (a) where a punishment is awarded on a cargo handling worker on the ground of misconduct which had led to his conviction on a criminal charge or (b) where the disciplinary authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to hold an enquiry or (c) where the Chairman is satisfied in the interest of the security of the Port it is not expedient to follow a detail disciplinary procedure, the authority may consider the circumstances of the case and pass for orders thereon as may deem fit."

On this direction it is preferable also to quote the extract of the passage from para-68 of AIR 1980 SC Page 1896 (Gujarat Steel Tubes Ltd. V. Its Mazdoor Sabha) :

"If Standing Orders or the terms of contract permit the employer to terminate the services of his employee by discharge simpliciter without assigning reasons, it would be open to him to take recourse to the said term or condition and terminate the services of his employee but when the validity of such termination is challenged in industrial adjudication, it would be competent to the Industrial Tribunal to enquire whether the impugned discharge has been effected in the bonafide exercise of the power conferred by the terms of employment. If the discharge has been ordered by the employer in bonafide exercise of his power, then the Industrial Tribunal may not interfere with it but the words used in the order of discharge and the form which it may have taken are not conclusive in the matter and the Industrial Tribunal would be entitled to go behind the words and form and decide

whether the discharge is a discharge simpliciter or not. If it appears that the purported exercise of power to terminate the services of the employee was in fact the result of the misconduct alleged against him, then the Tribunal would be justified in dealing with the dispute on the basis that, despite its appearance to the contrary, the order of discharge is in effect an order of dismissal.

x x x .”

The Scheme of 1979 is otherwise the Standing Orders of the workmen, therefore, Ext. 6 has not at all suffered by the special power conferred on the Chairman by the provision of Article 25.14 of the Scheme.

12. The testimony of W.W. No. 2 read with Ext. 7 that the trial Court granted 'benefit of doubt' in favour of the aggrieved workmen in the sessions trial further fortifies that the workmen had also not been cleanly acquitted, so much so, to believe of their non-involvement in the case.

13. Thus, on a cumulative consideration of the entire facts and circumstances of this case, the aggrieved workmen named in the reference belonging to the second party-union in fact physically assaulted the Senior Officers and staffs of the management and misconducted themselves, the management acted a bona fide way to delist the said workmen. This Tribunal is not inclined to interfere with the said order of the Management.

14. In the net, this Tribunal is of the view that the action of the management of Paradip Port Trust in delisting Shri Fakir Charan Biswal, Gang Leader No. 58/428, Shri Jagannath Rout, Gang Worker No. 58/927 and Shri Janardan Mohanty No. 75/1075 from the main list of dock workers with effect from 9-9-81 is legal and justified. The aggrieved workmen of the second party-union are not entitled to any relief.

The Award is passed accordingly.

correct by me.

Dated : 3-6-1997

M. R. BEHERA, Presiding Officer

नई दिल्ली, 10 जून, 1997

का०आ०1694—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कानपुर क्षेत्रीय बैंक, कानपुर के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-6-97 को प्राप्त हुआ था।

[संख्या एल-12012/98/94 आई आर (बी-1)]

पी० जे० माईकल, हेड ऑफिस अधिकारी

New Delhi, the 10th June, 1997

S.O. 1694.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kanpur Kshetriya Gramin Bank,

Kanpur and their workman, which was received by the Central Government on 9-6-97.

[No. L-12012/98/94/IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 96 of 1995

In the matter of dispute :

BETWEEN

Awdesh Kumar Gupta,
C/o. Kanpur Kshetriya Gramin Bank,
Karamchari Sangh,
2, Naveen Market,
Prade Kanpur.

AND

Chairman,
Kanpur Kshetriya Gramin Bank,
Head Office,
C-38, Sarvodaya Nagar, Kanpur.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-12012/98/94-I.R.(B-I), dated 19-7-95 has referred the following dispute for adjudication to this Tribunal:

Kya Prabhand Tantra Kanpur Kshetriya Gramin Bank, Kanpur द्वारा श्री Awdesh Kumar Gupta Chprasi-cum-Messenger को दिन 14-9-91 से निशकासित करना नयोचित है? Yadi nahi to Sambandhit shramik kis anutosh ka hakdar hai?

2. The case of the concerned workman Awdesh Kumar Gupta is that he was engaged as a peon messenger on 19-9-90 at Judwa Jamali Branch, Kanpur Dehat of the opposite party, Kanpur Kshetriya Gramin Bank. He continuously worked upto 13-9-91 for more than 240 days in a year. Although work was taken from him through out these years, payment was made in the fictitious names of Raju Gupta, Virender Kumar, Dhiraj Kumar, Gopal Dass, Afaq Ahmad, Ram Narain, Shri-kishan, Dinesh Kumar, Ashwendra Kumar Gupta, Anil Kumar, Grish Kumar, Surender Singh, Manoj Kumar Gupta, Aseet Kumar Gupta and Jitendra Kumar Verma. It was unfair labour practice. As he had completed more than 240 days in a year and as no retrenchment compensation and notice pay was given to him Thus termination is bad in law, being in breach of Section 25F I.D. Act.

3. The opposite party Bank has filed reply in which it has been alleged that concerned workman was appointed as daily part time worker. He did not work continuously. He has left the job of his own. He had not completed 240 days in a year.

4. In the rejoinder nothing new was alleged.

5. In support of his case the concerned workman Awdesh Kumar Gupta WW-1 examined himself. Besides he has filed Ext. W-1 to Ext. W-6. In rebuttal there is evidence of Virendra Singh MW-1, and officer of the Bank. Beside there are Ext. M-1 to Ext. M-3 vouchers.

6. The first point which needs consideration is as to whether the concerned workman had completed 240 days in a year and was paid wages in fictitious names. In this regard there is evidence of Awdesh Kumar Gupta WW(1) he has stated that he had continuously worked but was paid wages in the name of various persons the name of whom have already been given. In his cross examination he has denied that he was part time worker. However he was a daily rated worker. He was not given any appointment letter. Thus his evidence that he being paid wages under different names has not been challenged by way of cross examination. This fact has also not been denied by Virender Singh MW-1. Further voucher have not been filed to show the number of days of the concerned workman. There are only Ext. M-1 voucher dated 22-9-90, Ext. M-2 dated 4-10-90 and Ext. M-3 voucher dated 9-10-89. On the other hand there is Ext. W-2 extract of despatch register which goes to show that concerned workman had worked from 22-11-90 to 30-8-91. Thus from the unchallenged evidence of concerned workman coupled with Ext. W-2 I accept the evidence of concerned workman and hold that he had continuously worked from 19-9-1990 to 13-9-1991 but was paid wages in different fictitious names which is certainly an act of unfair labour practice. Admittedly no notice pay and retrenchment compensation was paid to him at the time removal. Hence his removal from service is bad in law being in breach of Section 25F I.D. Act.

7. In view of finding that the concerned workman was removed from service I am not inclined to believe the statement of Virender Singh that concerned workman had left the job of his own.

8. As a result of above discussion holding that removal of service of the concerned workman was in breach of Section 25F I.D. Act, my award is that removal from service of the concerned workman w.e.f. 13-9-91 is bad in law and he will be entitled for reinstatement with back wages according to rates and terms and conditions on which

he was being paid wages at the time of removal of service.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 जून, 1997

का०आ० 1695.—आर्धोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वरेली क्षेत्रीय ग्रामीण बैंक, वरेली के प्रबंधक के संबंध नियोजकों और उनके कर्मचारों के बीच, अनावधान में निर्दिष्ट आर्धोगिक विवाद में केन्द्रीय सरकार आर्धोगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-6-97 को प्राप्त हुआ था।

[संख्या एल/12012/104/89-आईआरबी-3/बी-1]

पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 10th June, 1997

S.O. 1695.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bareilly Kshetriya Gramin Bank, Bareilly and their workman, which was received by the Central Government on 9-6-97.

[No. L-12012|104|89-IR-B.3|B.I.]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 100 of 1991

In the matter of dispute :

BETWEEN

Ram Swarup, S/o Balak Ram,
Vill. Mandora,
P.O. Kua Donda,
Tehsil Faridpur,
Distt. Bareilly.

AND

General Manager,
Bareilly Kshetriya Gramin Bank,
124, Civil Lines,
Bareilly.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/104/89-I.R.(B-3), dated 27-6-91 has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of Bareilly Kshetriya Gramin Bank, Bareilly, in terminating the services of Shri Ram Swarup S/o Balak Ram, part time messenger, w.e.f. 20-3-85 is legal and justified? If not to what relief the concerned workman is entitled to?

2. The case of the concerned workman Ram Swarup is that he was engaged at Faiz Nagar Branch of the opposite party Bareilly Kshetriya Gramin Bank as a peon. It is alleged that he had to work for full day but he was designated as part time worker. He continuously worked upto 30-3-85 when his services were brought to an end illegally. Further one Moonga Lal was engaged but no opportunity was given to him. Thus his termination is bad being in breach of Section 25F and 25H I.D. Act.

3. The case of opposite party is that he was engaged as part time worker. On all working days he had to work from 10 A.M. to 1 P.M. and on Saturday from 10 A.M. to 12 P.M. He left the job of his own as was not getting sufficient money. It is denied that Moonga Lal was ever engaged.

4. In the rejoinder nothing new has been said.

5. In support of his case the concerned workman Ram Swarup WW(1) was examined and besides Chaturi Lal was examined. The management was given repeated opportunity to adduce evidence but they failed to adduce evidence.

6. In the case of Karnal Central Cooperative Bank Ltd. V/s. Industrial Tribunal Rohtak and Other Punjab and Haryana High Court F.L.R. 1994 (69) 1006 it has been held that in the absence of specific reference, plea of breach of Section 25H I.D. Act can not be allowed to be raised for challenging termination. In this case there is no such reference. Hence this plea is disallowed.

7. However with regard to breach of Section 25F I.D. Act there is un rebutted evidence of Ram Swarup WW(1). From his evidence it is proved that he had worked continuously for 240 days and for whole day. It has been further proved that he was not paid notice pay and retrenchment compensation. Hence my award is that termination of concerned workman is bad in law he will be entitled for reinstatement with back wages from the date of reference according to rate and terms and

condition on which he was being paid wages at the time of removal from service.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 जून, 1997

कांअां 1696.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ बिकानेर एंड जयपुर के प्रबंधन के संलग्न नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-6-97 को प्राप्त हुआ था।

[संख्यां पञ्ज-12012/283/89/आई आर वी 3/बी I]

पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 10th June, 1997

S.O. 1696.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure. in the industrial dispute between the employers in relation to the management of State Bank of Bikaner and Jaipur and their workman, which was received by the Central Government on 9-6-97.

[No. L-12012/283/89/IRB. 3/B-I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 34 of 1990

In the matter of dispute :

BETWEEN

Sushil Kumar Shukla,
C/o V. N. Sekhari,
26/104, Birhana Road, Kanpur.

AND

General Manager,
State Bank of Bikaner & Jaipur,
Head Office, Tilak Marg,
Jaipur.

APPEARANCE :

V. B. Mathur—for the Management

B. P. Saxena—for the workman.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012|283|89-I.R.B-3, dated 22-12-89, has referred the following dispute for adjudication to this Tribunal:

Kya State Bank of Bikaner & Jaipur ki Geetanagar Shakha, Kanpur ke prabandhako dwara Sushil Kumar Shukla Chaturth Chaprasi ko dinak 19-2-88 se nishakashit karna nyayochit hai ? Yadi nahi to karmkar kis anutosh ka haqdar hai ?

2. The case of the concerned workman Shushil Kumar Shukla is that he was engaged as peon on 1-6-87, by the opposite party State Bank of Bikaner & Jaipur at Kanpur and he worked upto 19-8-87 for a period 80 days. Thereafter he was again given employment from 11-9-87 to 28-11-87 for a period of 79 days. Once again the concerned workman was employed from 1-2-88 upto 18-2-88. In this way the concerned workman in all has worked for more than 240 days in a year from 1-6-87 upto 27-2-88. Giving details it has been shown that from 1-6-87 upto 18-2-88 he was given employment in broken periods from 19-2-88 unto 27-2-88 he had gone on medical leave which too should be included in the number of working days. Thus the termination is bad in law being breach of Section(s) 25F, 25G & 25H of the I. D. Act.

3. The opposite party has alleged that appointment of the concerned workman was for fixed period. It is denied that no junior to the concerned workman has been retained in service or any new hand has been appointed. Hence there has been no breach of any provisions of law.

4. In the rejoinder nothing new has been said.

5. Thus having gone through the pleadings, I am of the opinion, that the concerned workman has no case at all.

6. From the own case of the concerned workman it appears that he had worked for 80 days from 1-6-87 to 19-2-87 for 79 days from 11-9-87 to 28-11-87 and for 73 days from 7-12-87 to 18-2-87. By adding these number of working days the total number of working days comes to 232 days. In order to inflate these number of working days it has been sought to be added that from 19-2-88 to 27-2-88 he was on medical leave which should be also added but Sushil Kumar Shukla has not given any oral or documentary evidence to show that he was on medical leave from 19-2-88 to 27-2-88. Further in my opinion, when appointment has been made for a fixed period question for proceeding on medical leave after efflux of time does not arise. Hence, these

number of days are to be included. In this way the concerned workman had completed for 232 days in a year. Hence, obviously provisions of Section 25F of I.D. Act would not be applicable.

7. Sushil Kumar Shukla has not proved that any junior to him has been retained in service. Hence this case cannot be accepted for want of proof.

8. As regards claim of breach of Section 25H of I.D. Act it too is not proved as details of new hands has not been in the evidence. In the end since the appointment of the concerned workman was for fixed period there has been no breach of Section 25F, 25G and 25H of I.D. Act. Hence my award is that the termination of the concerned workman is not bad in law and he is not entitled for any relief.

9. Reerence is answered accordingly.

Dated : 29-5-1997

B. K. SRIVASTAVA Presiding Officer

नई दिल्ली, 12 जून, 1997

कांश्रा० 1697.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण, में केन्द्रीय सरकार स्टेट बैंक आफ इंडिया मद्रास I के प्रबंधकों के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, तमिलनाडु, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/6/97 को प्राप्त हुआ था।

[संख्या एल-12012/26/95-आई० आर० (बी I)]

पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 12th June, 1997

S.O. 1697.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI, Madras-I and their workman, which was received by the Central Government on the 11th June, 1997.

[No. L-12012|26|95-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, MADRAS

Wednesday, the 9th day of April, 1997

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal.

Industrial Dispute No. 51 of 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of State Bank of India, Madras-1)

BETWEEN

Sh. M. A. Ramachandran,
S/o M. A. Adhisheshan,
52, Anaikatti Street,
Thiruvannamalai-606601.

AND

The Assistant General Manager,
Local Head Office
State Bank of India, Rajaji Salai,
Madras-1.

REFERENCE :

Order No. L-12012/26/95-IR(B-I), Ministry of Labour, dated 2nd July, 1996, Government of India, New Delhi.

This dispute coming on for final hearing on this day, and upon perusing the claim statement and counter statement and all other material papers on record, and upon hearing of Thiru J. Narayanamurthy, Advocate appearing for the Petitioner and the respondent being absent and set exparte, this Tribunal made the following :

AWARD

This reference has been made for adjudication of the following issue :

“Whether the action of the management of State Bank of India in terminating the services of Shri M. A. Ramachandran w.e.f. 30th December, 1987 is justified? If not, to what relief he is entitled?”

WW-1 examined. Ex. W-1 to W-9 marked. From the evidence of WW1 and from Exs. W-1 to W-9 the claim of the petitioner is proved. Award passed for reinstatement with continuity of service and back wages. No costs.

Dated, this the 9th day of April, 1997.

THIRU S. THANGARAJ, Industrial Tribunal

WITNESSES EXAMINED :

For Workman :

W.W.1—Thiru M. A. Ramachandran.

For Management—None.

DOCUMENTS MARKED :

For Workmen :

Ex. W-1/25-8-96—Enquiry Proceedings (xerox copy).

Ex. W-2/5-12-86—Enquiry report (xerox copy).

Ex. W-3/15-12-86—Order of punishment issued to petitioner (xerox copy).

Ex. W-4/5-1-87—Representation given by charge sheeted employee (xerox copy).

Ex. W-5—Findings given on the additional evidence (xerox copy).

Ex. W-6—Records of Proceedings of Personal hearing (xerox copy).

Ex. W-7/22-4-87—Order of Appellate Authority (xerox copy).

Ex. W-8/30-12-87—Findings given by Appellate Authority (xerox copy).

Ex. W-9/12-1-95—Reply given by respondent management to conciliation officer (xerox copy).

नई दिल्ली, 12 जून, 1997

कां०आ० 1698.— औद्योगिक विवाद अधिनियम, 1947 (1947 या 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ, तिरावनकोर, त्रिवेन्द्रम के प्रबंधन के संबंधित नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, तमिलनाडु, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-6-97 को प्राप्त हुआ था।

[संख्या एल-12012/330/91-आई आर बी. III/बी. /I]

पी० जे० माईकल, डैस्क अधिकारी

New Delhi, the 12th June, 1997

S.O. 1698.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Travancore, Trivandrum and their workman which was received by the Central Government on the 11-6-1997.

[No. L-12012/330/91-I.R.B.III/B.1]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Monday, the 27th day of January 1997

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 84 of 1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of State Bank of Travancore, Madras.)

BETWEEN

The Workmen represented by
Shri K. Venugopal,
30, Allen Street,
Nagercoil-629001.

AND

The General Manager,
State Bank of Travancore,
P.B. No. 34, Trivandrum 695001.

REFERENCE :

Order No. L-12012/330/91-IR.B.III, Ministry
of Labour, dated 20-12-1994, Govt. of
India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 11th day of December, 1996, upon perusing the claim, counter statements and all other material papers on record and upon hearing the arguments of Tvl. K. Chandru & D. Bharathy, Advocate appearing for the petitioner/union and of Tvl. R. Srekrishnan, Advocate appearing for the respondent/management and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

The Government of India in Order No. L-12012/330/91 IR III, Ministry of Labour, dated 20-12-91, have referred this dispute u/s. 10(1)(d) of the I.D. Act, 1947 to adjudicate the following issue :

"Whether the termination of service of Shri K. Venugopal, by the management of State Bank of Travancore is justified? If not, to what relief is he entitled to?"

On service of notice the petitioner and respondent have appeared before this Tribunal and filed their claim statement and counter statement respectively.

2. The main averments found in the claim statement are as follows :

The petitioner was working as Head Cashier at Nagercoil Agricultural Development Branch of the respondent State Bank of Travancore from 27-12-76. For certain allegations he was suspended from service and a departmental enquiry was held. The principle of natural justice has not been followed in the departmental enquiry and the enquiry officer refused to give copies of the report of the CBI and also the statement recorded by the CBI. The list of witnesses have not been furnished to him. No CBI official was examined in the departmental enquiry and no reason was given for the non-examination of CBI officials. The internal auditor whose name found a place in the list of witnesses was not examined in the enquiry without assigning any reason. The findings of the enquiry officer is perverse. The gold ornaments pledged in the bank are put under the joint custody of the accountant and the head cashier, and the head cashier alone cannot remove the gold chain which was kept under joint custody. The respondent has not taken any action against the accountant though they had joint responsibility. The date on which the loan was sanctioned and also the date on which

the cheque was made, the petitioner was on leave and the enquiry officer has not taken into consideration of the said fact. There is no whisper in the examination as to what happened to the gold chain weighing 134.5 grams. The actual dates on which the gold ornament was lost also not found out during the enquiry. The charge that the petitioner has misappropriated a gold chain worth Rs. 20,000 has not been proved. Regarding the second charge the jewel pledged in the name of one Veeramani were not that of the petitioner and therefore the second charge is not proved. The petitioner had served the Bank for more than 15 years and there was not a single charge for misconduct on his part in all those years. The management without looking into the said fact had imposed the punishment of dismissal against the petitioner. In these circumstances, the order of dismissal may be set aside and the petitioner be reinstated with continuity of service and full back wages.

3. The main averments found in the counter statement filed by the respondent are as follows :

The petitioner was charged for commission of certain acts of gross misconduct (i.e.) for misappropriating three row gold chain weighing 134.5 valued at Rs. 27,000 pledged by one P. Krishnan, and on 26-6-86. The petitioner met the said Krishnan in his house alongwith Syed Mohammed and Arjunan and prevailed upon him to sign a receipt to the effect that the missing gold chain was redeemed and offered to execute a bond for the value of chain. Further the second charge was framed against the petitioner for having acted in a manner prejudicial to the interest of the bank by borrowing loans in the names of Shri Har'hara Iyer as per gold loan no. 1890/85 on 23-12-1985, Shri S. Veeramani as per gold loan No. 328/86, dated 28-5-1986 and P. Baskaran as per gold loan No. 1723/85 dated 23-8-85. The enquiry officer had given a finding stating that the charges have been proved. Thereafter a second show cause notice was issued and on obtaining his explanation the order of dismissal was passed by the disciplinary authority. The report of the CBI official was not relied upon in the domestic enquiry and therefore there was no necessary to furnish the copies of those documents. The domestic enquiry was conducted independently and the report of the CBI officials had no relevancy to the said enquiry. The petitioner had full opportunity to cross-examine the witnesses examined on the side of the management and he was permitted to examine himself and other witnesses on his side. The enquiry was held by following the principles of natural justice. It was clearly established in the enquiry through evidence of witnesses that the petitioner has misappropriated the gold jewel. Thiru Arjunan who was working as Cashier was examined as a witness in the enquiry. During the audit it was found out that the chain was missing and the matter was reported to the manager Shri Subramanya Iyer and it was found that the petitioner alone was responsible for the missing of the gold ornament. The evidence of Sri P. Krishnan further proves that the misconduct was committed by the petitioner alone. Shri Arjunan and Sri Syed Mohamed who accompanied the petitioner to the

house of Krishnan have clearly deposed as to what had happened. Their evidence clearly establishes that the petitioner committed the said act of misconduct. The second charge regarding pledging to gold jewels in the names of Harihara Iyer and P. Baskaran was admitted by the petitioner and Veeramani was examined as a witness and he had clearly stated that in order to oblige the pledger he pledged the gold jewel in his name and the jewel did not belong him. There was no violation of the provisions of the Bipartite Settlement in passing the order of dismissal. The punishment awarded to the petitioner was proper and commensurate with the gravity of the act of misconduct committed by him and there is no reason to interfere with the said punishment. The appellate authority has also gone through the entire records and came to the conclusion that the punishment imposed on the petitioner was just and proper and dismissed the appeal. In the circumstances the I.D. may be dismissed.

4. Ex. W-1 and W-7 were marked on the sides of the petitioner and M-1 to M-25 were marked on the side of the respondent. No witness was examined on both sides.

5. The point for our consideration is : Whether the termination of service of Shri K. Venugopal by the management of State Bank of Travancore, is justified? If not, to what relief is he entitled to ?”

6. The Point : The petitioner Thiru Venugopal was working as head cashier in the Agricultural Development Branch of the respondent bank at Nagercoil. While he was working in that capacity one Thiru Krishnan pledged some items of gold ornaments in the bank and raised agricultural loan. Among the said jewels one gold chain weighing 134.5 grams valued at Rs. 27,000 was found missing when the auditor audited the branch. It is pertinent to note that on the date of pledging of jewels by Thiru Krishnan and on the date when it was found by the auditor that the said gold chain was missing, the petitioner was conspicuously absent. The petitioner had denied the charge and stated that he had nothing to do with the missing of the jewel and responsibility has to be fixed, on the chief cashier as well as the accountant since the jewel was kept in the joint custody of both of them. It is the main contention of the petitioner that the management had not even raised it's little finger against the accountant, but whereas they blamed him entirely for the missing of the said jewel. The contention of the petitioner cannot be accepted while going through the evidence of witnesses recorded by the enquiry officer during the enquiry. Thiru R. Krishnan who pledged the jewel has clearly stated that on the night of 26-6-1986 when the missing of jewel was found out, the petitioner approached him alongwith Sved Mohammed and Arjunan co-employees and prevailed upon him to sign a receipt that the missing gold chain was redeemed by him. The petitioner has also offered to execute a bond for the value of the chain in favour of Krishnan. The evidence of P.W. 7 Narayanan who was typist in the said branch goes to show that he is closely known to Krishnan, and the petitioner called him to Krishnan and when he was reluctant to accompany him, the petitioner threatened him with

dare consequences of bearing and breaking him teeth. Thiru Arjunan had also spoken to the fact in his evidence during the domestic enquiry. The evidence of witnesses clearly show that the petitioner had approached Thiru Krishnan saying that he was responsible for the missing of the jewel weighing 134.5 grams and made alternative arrangement for the payment of money towards the value of the jewels. If really the petitioner was innocent he ought not to have gone to the extent of approaching Thiru Krishnan pacifying him through others and to get a signed receipt to the effect that the jewel was redeemed by him. The very act clearly shows the complicity of the petitioner in the charge framed against him. The petitioner has taken a technical plea that since the jewel was under the joint custody of himself and the accountant there was no justification in proceeding against him alone leaving the accountant. It is clear from the evidence that the accountant had never approached anybody to save him from the said charge. If really the accountant had any culpability in the said misconduct he would have gone to Krishnan alongwith the petitioner. The documents as well as the evidence available on record would go to show that the petitioner alone was responsible for the missing of the weighing 134.5 gram belonging to witness Krishnan.

7. Charge No. 2 was framed against the petitioner for pledging his jewels in the names of Harihara Iyer as per gold loan No. 1890/85 dated 23-12-1985, Veeramani as per gold loan No. 328/86 dated 28-5-86, and P. Baskaran as per gold loan No. 1723/85 dated 23-8-85. Among the three instances the petitioner had admitted two instances of pledging his jewels in the names of Harihara Iyer and Baskaran. However, he denied having pledged his jewels in his name at the instance of the petitioner. He has further stated that around 1.45 p.m. on that day the petitioner had given the jewel loan from wherein he put his signature. It was brought out in the enquiry that the jewel pledged through Veeramani belongs to one Arputhaswamy an employee of the District Police Office, Tirunelveli. However, the ownership of the jewel need not be decided in the enquiry and it is clear from the evidence of Veeramani that it is only at the request of the petitioner he had pledged the said jewel in his name. The management has submitted a ruling of the Karnataka High Court in HINDUSTAN AERONAUTICS LTD., Vs. GULAB SINGH (1986 II LLJ P 95) wherein it was held as follows :

“If a workman against whom disciplinary proceedings are instituted admits his guilt there is no necessity for the management to hold an enquiry.”

As per the above decision no enquiry was held regarding the pledging of his jewels. He had not denied that part of the said charge. Regarding the other instances witness P.W. 7 Veeramani had clearly deposed and from his evidence it can be said charge No. 2 has also been proved against the petitioner. There are sufficient materials to prove the charge against the petitioner.

8. The petitioner has raised certain objections regarding the domestic enquiry to say that principle of

natural justice has not been followed in the domestic enquiry. The proceedings of the domestic enquiry are marked as Ex. M.5. A perusal of the enquiry proceedings clearly show that the workman was given ample opportunity to cross examine the witnesses on the side of the management and the workman has got opportunity to examine himself and other witnesses on his side. A perusal of Ex. M.5 would clearly prove that the workman had every opportunity to put forth his case in the domestic enquiry. Therefore, this contention of the workman cannot be accepted.

9. It was further argued on the side of the workman that the C.B.I. official who conducted the investigation was not examined and the copies of the documents recorded by them were not furnished to the workman before the enquiry. The management has clearly stated that the present charges have been framed against the petitioner for misconduct as per Cl. 19.5(d) and 19.5(j) of Bipartite Settlement 1966, r/w para 28 Xviii-2-1 of the 4th Bipartite Settlement of 1984. The charges were framed against the workman without relying upon the C.B.I., documents and statements prepared by them. There was no necessity on the part of the management to furnish copies of those documents. The management has to furnish copies of the documents which are being relied upon by them in the domestic enquiry and not the documents on which they do not rely. Therefore, the non-examination of CBI officials and the non-furnishing of the copies of statements recorded by the CBI officials to the workman will not go against the case of the management. In **CHANDRAMA TIWARI Vs. UNION OF INDIA (AIR 1988 SC 117)** it was held :

"If a document has no bearing on the charges or if is not relied by the enquiry officer to support the charges or if such document or material was not necessary for the cross-examination of witnesses during the enquiry the officer cannot insist upon the supply of copies of such documents as the absence of copy of such document will not prejudice the delinquent Officer."

The decision of our Supreme Court clearly states that there is no necessity to furnish the copies of documents on which the management do not rely. In **PURE DRINKS (P) LTD. Vs. MUMBAI MAZDOOR SABHA, BOMBAY (1978 II LLJ 218)** it was held by the Bombay High Court that the statements not relied on by the enquiry officer nor did he base his report on such statement need not be furnished to the delinquent employee and there was no failure to observe principles of natural justice and there was no prejudice caused because of the non-supply of the statement and the enquiry was not vitiated. The workman has raised the objection for not furnishing the copies of documents which were not relied upon by the management. The non-furnishing of such copies of documents is not material and it has not prejudiced the case of the workman in any manner whatsoever. The other argument that the management has not examined certain witnesses found in the list of witnesses has prejudiced

the case of the workman cannot be accepted. In a domestic enquiry the Presenting Officer of the management will present the evidence which are necessary to prove its cases. The non-examination of certain witnesses will not cause any prejudice to the workman. However, the workman has failed to state how prejudice was caused to him by the non-examination of certain witnesses whose names found a place in the list of witnesses.

10. In **SUR ENAMEL AND STAMPING WORKS LTD., Vs. THE WORKMEN (AIR 1963 SC P 1914)** the Supreme Court held as follows :

"An equity cannot be said to have been properly held unless (i) the employee proceeded against has been informed clearly of the charges levelled against him (ii) the witnesses are examined ordinarily in the presence of the employee in respect of the charges (iii) the employee is given a fair opportunity to cross-examine witnesses (iv) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter and (v) the enquiry officer records his findings with reasons for the same in his report."

Here, the charges levelled against the petitioner are very clear and he has fully understood the charge and gave his explanation denying those charges. As far as charge no. 2 is concerned he has admitted two of the instances whereas denied only one instance and that shows that the workman has fully understood the charges framed against him. The witnesses were examined in the presence of the employee and he had full opportunity to cross examine them. He had also full opportunity to examine himself and other witnesses on his side. Therefore, it cannot followed in the domestic enquiry. In **SURESH vs. GEORGE Vs. UNIVERSITY OF KERALA (AIR 1969 SC 198)** the Supreme Court held as follows :

"The requirements of natural justice in case of an enquiry of this kind are, first that the person accused should know the nature of the accusation made, secondly, that he should be given an opportunity to state his case, and thirdly, of course, that the tribunal should act in good faith. There is really nothing more."

This decision further confirms that the disciplinary enquiry was fair and the workman had got every opportunity to put forward his case.

11. It was argued on the side of the petitioner that the findings of the enquiry officer was perverse in nature. The findings of the enquiry officer is marked as Ex. M-18 and a perusal of the said findings would go to show that the enquiry officer has given ample reason to arrive at his conclusion. At the beginning of the enquiry report he has given the various points raised by the defence representative in his arguments and thereafter he has considered

those points and gave his opinion. The findings of the enquiry officer is a well considered one and there is nothing to say that it is perverse. When the enquiry officer has given cogent and convincing reasons, the argument of the petitioner cannot be accepted. It was argued on the side of the petitioner that though he had served for over 15 years in the respondent bank he had never committed such misconduct during his service and the dismissal from service is too severe a punishment, to be imposed on him. While considering the unblemished precious record of the petitioner the management has also not stated that the petitioner had any previous convictions to his credit. However, one can see the seriousness of the charges framed against him. The second charge seems to be less serious in nature and even then there was violation of rules since he had pledged his jewels through other persons in the bank wherein he was working. In his explanation he has clearly stated that due to unfortunate circumstances he had to deviate a little from the procedure and pledged his own ornaments in the name of his friend and he had no intention to violate the rules. However it is clear that he has violated the rules. The first charge is more serious in the sense that he had stealthily removed a jewel weighing 134.5 grams pledged by one customer by name Krishnan. His subsequent conduct clearly proved that he had removed the said jewel, when he was head cashier of the agricultural development branch of the bank. The petitioner held a position to safeguard the jewels pledged by the public. By reposing confidence in the petitioner the bank has given that power and authority to keep the jewels in his safe custody. He had to safeguard the properties of the customers entrusted to him by the bank. The fact that he has mismanaged the same would speak volumes against him. Such an act on the part of the petitioner cannot be supported as it is a serious misconduct. In such circumstances there is no valid reason to interfere with the order of dismissal passed by the bank.

For the foregoing reason the I.D. has to be dismissed. In the result, award passed dismissing the I.D. No. costs.

Dated on this the 27th day of January, 1997

THIRU S. THANGARAJ, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None.

DOCUMENTS MARKED

For workman:

- Ex. W.1|30-7-86—Respondent's memo given to the petitioner (xerox copy).
- Ex. W.2|4-8-86— —do— (xerox copy)
- Ex. W.3|12-9-86—Workmen's letter to the respondent (xerox copy).
- W.4|4-10-86—Respondents letter directing the workman to appear before the CBI (xerox copy).
- Ex. W.5|26-8-87—List of witnesses furnished by respondent (xerox copy).

Ex. W.6|28-1-88—Workman's letter to the enquiry officer for production of certain records relating to the enquiry (xerox copy),

Ex. W.7|6-7-88—Written brief submitted on behalf of the workman before the enquiry officer (xerox copy).

For respondent management :

Ex. M.1|13-4-87—ZM|DPS 12(a) 40 charge sheet addressed to the petitioner by Regional Manager IV of the respondent (Disciplinary authority).

Ex. M-2|23-5-87—Explanation of the Petitioner to the charge sheet.

Ex. M-3|15-6-87.—ZM|DPS|12(a)|65 Memo ordering enquiry by the Disciplinary Authority.

Ex. M.4|23-6-87—Letter addressed to the Petitioner by Enquiry Officer fixing the date of enquiry (xerox copy).

Ex. M.5| : Enquiry proceedings (xerox copy).

Ex. M-6|22-4-85—Promissory note for Rs. 25,000 executed by P. Krishna (xerox copy).

Ex. M-7|22-4-85—Application for grant of agricultural loan by Shri P. K. Krishnan (xerox copy).

Ex. M-8|22-4-85 :—Gold Loan Account opening form cum delivery letter of GL A|c. No. 396 of Shri P. Krishnan (xerox copy).

Ex. M-9|4-7-86 :—Letter from P. Krishnan to the respondents (xerox copy).

Ex. M-10|4-7-86:—Letter from Sri K. Narayanan to the respondents (xerox copy).

Ex. M-11|25-9-87 :—Letter from Superintendent of Police, CBI, Madras addressed to respondents (xerox copy).

Ex. M-12|2-8-86.—Search list of the Inspector of Police, C.B.I. (xerox copy).

Ex. M-13|22-4-86 .—Gold loan card of A|c. No. 396|85 of Shri P. Krishnan (copy).

Ex. M-14|10-11-84.—Letter from petitioner to the respondent (xerox copy).

Ex. M-15|12-9-86 :— —do—

Ex. M-16| :—Leave record of the petitioner (xerox copy).

Ex. M-17|4-5-88 :—Written brief submitted by the Presenting Officer to the enquiry officer (xerox copy).

Ex. M-18|7-10-88.—Findings of the enquiry officer (xerox copy).

Ex. M-19|19-4-89 :—Order passed by the disciplinary authority (xerox copy).

- Ex. M-20| :—Show cause notice issued to petitioner (xerox copy).
- Ex. M-21|14-6-89:—Written submissions of the petitioner against the show cause notice (xerox copy).
- Ex. M-22|31-7-89 :—Final orders passed by the respondent (xerox copy).
- Ex. M-23|14-9-89 :—Appeal submitted by the petitioner (xerox copy).
- Ex. M-22|44-10-89 :—Further written submission written by the petitioner (xerox copy).
- Ex. M-25|18-11-89 :—Order of Appellate Authority (xerox copy).

आदेश

नई दिल्ली, 17 जून, 1997

कां.आ. 1699.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत के राजपत्र के भाग II, खण्ड 3, उपखंड (ii) में 17 मई, 1994 को प्रकाशित इस मंत्रालय की अधिसूचना सं. कां. आ. 1345 और 1344 के अनुक्रम में, केन्द्रीय सरकार एतद्द्वारा औद्योगिक अधिकरण सह-श्रम न्यायालय सं. 2, बम्बई के पीठासीन अधिकारी के रूप में श्री एस.बी. पान्से की प्रतिनियुक्ति आधार पर नियुक्ति की अधि को 27-4-1997 के बाद एक वर्ष की अग्रणी अधि के लिए, आगे बढ़ाती है।

[पं. सं. 11116/2/93 सी.एल.एस.-II]
आर. के. रंग, उप सचिव

ORDER

New Delhi, the 17th June, 1997

S.O. 1699.—In exercise of the powers conferred by Sec. 8 of the Industrial Disputes Act, 1947 (14 of 1947), and in continuation of this Ministry's Notification published on 17th May, 1994 under S.O. No. 1345 & 1344 in Part II Section 3 Sub-Section (ii) of the Gazette of India, the Central Govt. hereby extends the term of appointment on deputation basis of Shri S. B. Panse as Presiding Officer of the Industrial Tribunal-cum-Labour Court No. 2, Bombay for a further period of one year beyond 27-4-1997.

[File No. A-11016|2|93-CLS-II]
R. K. RANG, Dy. Secy.

आदेश

नई दिल्ली, 17 जून, 1997

कां.आ. 1700.—जबकि भारत सरकार के तत्कालीन श्रम और रोजगार विभाग की दिनांक 24 अगस्त, 1966 की अधिसूचना संख्या कां. आ. 2653 और 2652 के अधीन

गठित औद्योगिक अधिकरण-सह-श्रम न्यायालय, कलकत्ता के पीठासीन अधिकारी का एक पद रिक्त हुआ है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबंधों में अनुमरण में केन्द्रीय सरकार श्री ए.के. चक्रवर्ती को 30 मई, 1997 (पूर्वाह्न) में उक्त औद्योगिक अधिकरण सह-श्रम न्यायालय का पीठासीन अधिकारी नियुक्त करती है।

[पं. सं. ए-11016/6/96 सी.एल.एस.-I.]

आर.के. रंग, उप सचिव

ORDER

New Delhi, the 17th June, 1997

S.O. 1700.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Industrial Tribunal-cum-Labour Court, Calcutta, constituted by the Notification of the Government of India in the then Department of Labour and Employment Notification No. S.O. 2653 & 2652 dated the 24th August, 1966.

Now therefore, in pursuance of the provisions of Section 8 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Govt. hereby appoints Shri A. K. Chakravarty as Presiding Officer of the said Industrial Tribunal-cum-Labour Court with effect from the forenoon of 30th May, 1997.

[F. No. A-11016|6|96-CLS-II]

R. K. RANG, Dy. Secy.

नई दिल्ली, 5 जून, 1997

कां.आ. 1701.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत के राजपत्र के भाग-II, खंड-3, उपखंड (ii) में दिनांक 9 नवम्बर, 1996 को कां.आ. संख्या 3157 के अन्तर्गत प्रकाशित इस मंत्रालय की अधिसूचना के अनुक्रम में, केन्द्रीय सरकार श्री आर. एस. वर्मा को, 18 अप्रैल, 1997 से तीन माह की और अधि के लिए अथवा नियमित पदधारी के नियुक्त किए जाने तक, जो भी पहले हो, उनके वर्तमान प्रभार के अलावा उक्त अधिकरण-सह-श्रम न्यायालय, जयपुर के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[मिसि. सं. जेड-13011/8/96-सी एल एस -II]

आर.के. रंग, उप सचिव

New Delhi, the 5th June, 1997

S.O. 1701.—In exercise of the powers conferred by Section 8 of the Industrial Disputes Act, 1947 (14 of 1947), and in continuation of this Ministry's Notification published on 9th November, 1996 under S.O. No. 3157 in Part II Section 3 Sub-Section (ii) of the Gazette of India,

the Central Government hereby appoints Shri R. S. Verma as the Presiding Officer of the said Industrial Tribunal-cum-Labour Court, Jaipur in addition to his present charge for a further period of three months with effect from 16th April, 1997 till the appointment of the regular incumbent, whichever is earlier.

[F. No. Z-13011/8/96-CLS-II]

R. K. RANG, Dy. Secy.

नई दिल्ली, 17 जून, 1997

का० आ० 1702.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारत के राजपत्र, अध्यादेश, भाग-II, खंड 3(ii) में दिनांक 8 जून, 1995 को प्रकाशित भारत सरकार, श्रम मंत्रालय की दिनांक 8 जून, 1995 की अधिसूचना संख्या का०आ० 509 (अ) में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में धारा 4 के खंड (क) के अन्तर्गत "केन्द्र सरकार द्वारा नियुक्त" शीर्षक के अन्तर्गत क्रम संख्या 1 के सामने "केन्द्रीय श्रम मंत्री" शब्दों के लिए, "श्रम राज्य मंत्री" शब्द प्रतिस्थापित किये जायेंगे।

[सं० यू-16012/2/95-एस०एस०-I]

जे० पी० शुक्ला, अवर सचिव

New Delhi, the 17th June, 1997

S.O. 1702.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. S. O. 509 (E), dated the 8th June, 1995 published in the Gazette of India, Extraordinary Part-II, Section 3(ii) dated the 8th June, 1995, namely :—

In the said notification under the heading "Appointed by the Central Government under clause (a) of Section 4" against Serial No. 1 for the

words "Union Labour Minister" the words "Minister of State for Labour" shall be substituted.

[No. U-16012/2/95-SS. I.]

J. P. SHUKLA, Under Secy

नई दिल्ली, 18 जून, 1997

का० आ० 1703.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि सीमेंट उद्योग में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 3 के अन्तर्गत निदिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएँ घोषित किया जाना चाहिए।

अतः श्रम अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ह) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/12/97-श्री०स० (नी०लि०)]

एच० सी० गुप्ता, अवर सचिव

New Delhi, the 18th June, 1997

S.O. 1703.—Whereas the Central Government is satisfied that the public interest requires that the services in the Cement Industry which is covered by item 3 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act :

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/12/97-JR (PL)]

H. C. GUPTA, Under Secy.